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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

# H. R.

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To protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. KING of New York introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process.

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 “Public Safety and Second Amendment Rights Protection  
6 Act of 2015”.

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. Findings.
- Sec. 3. Rule of construction.
- Sec. 4. Severability.

TITLE I—ENSURING THAT ALL INDIVIDUALS WHO SHOULD BE  
PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NA-  
TIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

- Sec. 101. Reauthorization of the National Criminal History Records Improve-  
ment Program.
- Sec. 102. Improvement of metrics and incentives.
- Sec. 103. Grants to States for improvement of coordination and automation of  
NICS record reporting.
- Sec. 104. Relief from disabilities program.
- Sec. 105. Additional protections for veterans.
- Sec. 106. Clarification that Federal court information is to be made available  
to the National Instant Criminal Background Check System.
- Sec. 107. Clarification that submission of mental health records to the National  
Instant Criminal Background Check System is not prohibited  
by the Health Insurance Portability and Accountability Act.
- Sec. 108. Publication of NICS index statistics.
- Sec. 109. Effective date.

TITLE II—PROVIDING A RESPONSIBLE AND CONSISTENT  
BACKGROUND CHECK PROCESS

- Sec. 201. Purpose.
- Sec. 202. Firearms transfers.
- Sec. 203. Penalties.
- Sec. 204. Firearms dispositions.
- Sec. 205. Firearm dealer access to law enforcement information.
- Sec. 206. Dealer location.
- Sec. 207. Residence of United States officers.
- Sec. 208. Interstate transportation of firearms or ammunition.
- Sec. 209. Rule of construction.
- Sec. 210. Effective date.

TITLE III—NATIONAL COMMISSION ON MASS VIOLENCE

- Sec. 301. Short title.
- Sec. 302. National Commission on Mass Violence.
- Sec. 303. Duties of the Commission.
- Sec. 304. Powers of the Commission.
- Sec. 305. Commission personnel matters.
- Sec. 306. Authorization of appropriations.
- Sec. 307. Termination of the Commission.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

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

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

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

10          (4) There are deficits in the background check  
11 system in existence prior to the date of enactment  
12 of this Act and the Department of Justice should  
13 make it a top priority to work with States to swiftly  
14 input missing records, including mental health  
15 records.

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

23 **SEC. 3. RULE OF CONSTRUCTION.**

24          Nothing in this Act, or any amendment made by this  
25 Act, shall be construed to—

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

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

6 **SEC. 4. SEVERABILITY.**

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

14 **TITLE I—ENSURING THAT ALL**  
15 **INDIVIDUALS WHO SHOULD**  
16 **BE PROHIBITED FROM BUY-**  
17 **ING A GUN ARE LISTED IN**  
18 **THE NATIONAL INSTANT**  
19 **CRIMINAL BACKGROUND**  
20 **CHECK SYSTEM**

21 **SEC. 101. REAUTHORIZATION OF THE NATIONAL CRIMINAL**  
22 **HISTORY RECORDS IMPROVEMENT PRO-**  
23 **GRAM.**

24          Section 106(b) of Public Law 103–159 (18 U.S.C.  
25          922 note) is amended—

1 (1) in paragraph (1), in the matter preceding  
2 subparagraph (A), by striking “of this Act” and in-  
3 serting “of the Public Safety and Second Amend-  
4 ment Rights Protection Act of 2015”; and

5 (2) by striking paragraph (2) and inserting the  
6 following:

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

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

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

15 “(b) IMPLEMENTATION PLAN.—

16 “(1) IN GENERAL.—Not later than 1 year after  
17 the date of enactment of the Public Safety and Sec-  
18 ond Amendment Rights Protection Act of 2015, the  
19 Attorney General, in coordination with the States,  
20 shall establish, for each State or Indian tribal gov-  
21 ernment applying for a grant under section 103, a  
22 4-year implementation plan to ensure maximum co-  
23 ordination and automation of the reporting of  
24 records or making of records available to the Na-  
25 tional Instant Criminal Background Check System.

1           “(2) BENCHMARK REQUIREMENTS.—Each 4-  
2           year plan established under paragraph (1) shall in-  
3           clude annual benchmarks, including both qualitative  
4           goals and quantitative measures, to enable the At-  
5           torney General to assess implementation of the 4-  
6           year plan.

7           “(3) PENALTIES FOR NON-COMPLIANCE.—

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

12                 “(i) 10 percent of the amount that  
13                 would otherwise be allocated to a State  
14                 under section 505 of the Omnibus Crime  
15                 Control and Safe Streets Act of 1968 (42  
16                 U.S.C. 3755) if the State does not meet  
17                 the benchmark established under para-  
18                 graph (2) for the first year in the 4-year  
19                 period;

20                 “(ii) 11 percent of the amount that  
21                 would otherwise be allocated to a State  
22                 under section 505 of the Omnibus Crime  
23                 Control and Safe Streets Act of 1968 (42  
24                 U.S.C. 3755) if the State does not meet  
25                 the benchmark established under para-

1 graph (2) for the second year in the 4-year  
2 period;

3 “(iii) 13 percent of the amount that  
4 would otherwise be allocated to a State  
5 under section 505 of the Omnibus Crime  
6 Control and Safe Streets Act of 1968 (42  
7 U.S.C. 3755) if the State does not meet  
8 the benchmark established under para-  
9 graph (2) for the third year in the 4-year  
10 period; and

11 “(iv) 15 percent of the amount that  
12 would otherwise be allocated to a State  
13 under section 505 of the Omnibus Crime  
14 Control and Safe Streets Act of 1968 (42  
15 U.S.C. 3755) if the State does not meet  
16 the benchmark established under para-  
17 graph (2) for the fourth year in the 4-year  
18 period.

19 “(B) FAILURE TO ESTABLISH A PLAN.—A  
20 State that fails to establish a plan under para-  
21 graph (1) shall be treated as having not met  
22 any benchmark established under paragraph  
23 (2).”.

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

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

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

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

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

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

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

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

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

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

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

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

3           “(c) ELIGIBILITY.—

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

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

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

16           “(2) RELIEF FROM DISABILITIES PROGRAM.—  
17           For purposes of obtaining a grant under this sec-  
18           tion, a State, Indian Tribal government, or State  
19           court system shall not be required to meet the eligi-  
20           bility requirement described in paragraph (1)(B)  
21           until the date that is 2 years after the date of enact-  
22           ment of the Public Safety and Second Amendment  
23           Rights Protection Act of 2015.

24           “(d) FEDERAL SHARE.—

1           “(1) STUDIES, ASSESSMENTS, NON-MATERIAL  
2           ACTIVITIES.—The Federal share of a study, assess-  
3           ment, creation of a task force, or other non-material  
4           activity, as determined by the Attorney General, car-  
5           ried out with a grant under this section shall be not  
6           more than 25 percent.

7           “(2) INFRASTRUCTURE OR SYSTEM DEVELOP-  
8           MENT.—The Federal share of an activity involving  
9           infrastructure or system development, including  
10          labor-related costs, for the purpose of improving  
11          State or Indian Tribal government record reporting  
12          to the National Instant Criminal Background Check  
13          System carried out with a grant under this section  
14          may amount to 100 percent of the cost of the activ-  
15          ity.

16          “(e) GRANTS TO INDIAN TRIBES.—Up to 5 percent  
17          of the grant funding available under this section may be  
18          reserved for Indian tribal governments for use by Indian  
19          tribal judicial systems.

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

24                   (2) by striking title III; and

1           (3) in section 401(b), by inserting after “of this  
2 Act” the following: “and 18 months after the date  
3 of enactment of the Public Safety and Second  
4 Amendment Rights Protection Act of 2015”.

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

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

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

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

14           “(c) PENALTIES FOR NON-COMPLIANCE.—

15           “(1) 10 PERCENT REDUCTION.—During the 1-  
16 year period beginning 2 years after the date of en-  
17 actment of the Public Safety and Second Amend-  
18 ment Rights Protection Act of 2015, the Attorney  
19 General shall withhold 10 percent of the amount  
20 that would otherwise be allocated to a State under  
21 section 505 of the Omnibus Crime Control and Safe  
22 Streets Act of 1968 (42 U.S.C. 3755) if the State  
23 has not implemented a relief from disabilities pro-  
24 gram in accordance with this section.

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

10           “(3) 13 PERCENT REDUCTION.—During the 1-  
11           year period after the expiration of the period de-  
12           scribed in paragraph (2), the Attorney General shall  
13           withhold 13 percent of the amount that would other-  
14           wise be allocated to a State under section 505 of the  
15           Omnibus Crime Control and Safe Streets Act of  
16           1968 (42 U.S.C. 3755) if the State has not imple-  
17           mented a relief from disabilities program in accord-  
18           ance with this section.

19           “(4) 15 PERCENT REDUCTION.—After the expi-  
20           ration of the 1-year period described in paragraph  
21           (3), the Attorney General shall withhold 15 percent  
22           of the amount that would otherwise be allocated to  
23           a State under section 505 of the Omnibus Crime  
24           Control and Safe Streets Act of 1968 (42 U.S.C.

1 3755) if the State has not implemented a relief from  
2 disabilities program in accordance with this section.

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

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

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

13 **“§ 5511. Conditions for treatment of certain persons**  
14 **as adjudicated mentally incompetent for**  
15 **certain purposes**

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

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

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

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

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

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

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

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

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

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

4       “(2) Not later than 180 days after the date of enact-  
5 ment of the Public Safety and Second Amendment Rights  
6 Protection Act of 2015, the Secretary shall designate or  
7 establish a board that shall, upon request of a person  
8 under paragraph (1), assess whether a person cannot safe-  
9 ly use, carry, possess, or store a firearm due to mental  
10 incompetency.

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

17       “(e) PROTECTING RIGHTS OF VETERANS WITH EX-  
18 ISTING RECORDS.—Not later than 90 days after the date  
19 of enactment of the Public Safety and Second Amendment  
20 Rights Protection Act of 2015, the Secretary shall provide  
21 written notice of the opportunity for administrative review  
22 and appeal under subsection (c) to all persons who, on  
23 the date of enactment of the Public Safety and Second  
24 Amendment Rights Protection Act of 2015, are considered  
25 adjudicated pursuant to subsection (d)(4) or (g)(4) of sec-

1 tion 922 of title 18 as a result of having been found by  
2 the Department of Veterans Affairs to be mentally incom-  
3 petent.

4 “(f) FUTURE DETERMINATIONS.—

5 “(1) IN GENERAL.—Not later than 180 days  
6 after the enactment of the Public Safety and Second  
7 Amendment Rights Protection Act of 2015, the Sec-  
8 retary shall review the policies and procedures by  
9 which individuals are determined to be mentally in-  
10 competent, and shall revise such policies and proce-  
11 dures as necessary to ensure that any individual who  
12 is competent to manage his own financial affairs, in-  
13 cluding his receipt of Federal benefits, but who vol-  
14 untarily turns over the management thereof to a fi-  
15 duciary is not considered adjudicated pursuant to  
16 subsection (d)(4) or (g)(4) of section 922 of title 18.

17 “(2) REPORT.—Not later than 30 days after  
18 the Secretary has made the review and changes re-  
19 quired under paragraph (1), the Secretary shall sub-  
20 mit to Congress a report detailing the results of the  
21 review and any resulting policy and procedural  
22 changes.”.

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

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

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

11 **SEC. 106. CLARIFICATION THAT FEDERAL COURT INFOR-**  
12 **MATION IS TO BE MADE AVAILABLE TO THE**  
13 **NATIONAL INSTANT CRIMINAL BACKGROUND**  
14 **CHECK SYSTEM.**

15           Section 103(e)(1) of Public Law 103–159 (18 U.S.C.  
16 922 note) is amended by adding at the end the following:

17                   “(F) APPLICATION TO FEDERAL  
18 COURTS.—In this subsection—

19                           “(i) the terms ‘department or agency  
20 of the United States’ and ‘Federal depart-  
21 ment or agency’ include a Federal court;  
22 and

23                           “(ii) for purposes of any request, sub-  
24 mission, or notification, the Director of the

1 Administrative Office of the United States  
2 Courts shall perform the functions of the  
3 head of the department or agency.”.

4 **SEC. 107. CLARIFICATION THAT SUBMISSION OF MENTAL**  
5 **HEALTH RECORDS TO THE NATIONAL IN-**  
6 **STANT CRIMINAL BACKGROUND CHECK SYS-**  
7 **TEM IS NOT PROHIBITED BY THE HEALTH IN-**  
8 **SURANCE PORTABILITY AND ACCOUNT-**  
9 **ABILITY ACT.**

10 Information collected under section 102(c)(3) of the  
11 NICS Improvement Amendments Act of 2007 (18 U.S.C.  
12 922 note) to assist the Attorney General in enforcing sec-  
13 tion 922(g)(4) of title 18, United States Code, shall not  
14 be subject to the regulations promulgated under section  
15 264(e) of the Health Insurance Portability and Account-  
16 ability Act of 1996 (42 U.S.C. 1320d–2 note).

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

18 Not later than 180 days after the date of enactment  
19 of this Act, and biannually thereafter, the Attorney Gen-  
20 eral shall make the National Instant Criminal Background  
21 Check System index statistics available on a publically ac-  
22 cessible Internet website.

23 **SEC. 109. EFFECTIVE DATE.**

24 The amendments made by this title shall take effect  
25 180 days after the date of enactment of this Act.

1 **TITLE II—PROVIDING A RESPON-**  
2 **SIBLE AND CONSISTENT**  
3 **BACKGROUND CHECK PROC-**  
4 **ESS**

5 **SEC. 201. PURPOSE.**

6 The purpose of this title is to enhance the current  
7 background check process in the United States to ensure  
8 criminals and the mentally ill are not able to purchase fire-  
9 arms.

10 **SEC. 202. FIREARMS TRANSFERS.**

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

13 (1) by repealing subsection (s);

14 (2) by redesignating subsection (t) as sub-  
15 section (s);

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

17 (A) in paragraph (1)(B)—

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

19 (ii) in clause (ii), by striking “and” at  
20 the end; and

21 (iii) by adding at the end the fol-  
22 lowing:

23 “(iii) in the case of an instant background  
24 check conducted at a gun show or event during the  
25 4-year period beginning on the effective date under

1 section 210(a) of the Public Safety and Second  
2 Amendment Rights Protection Act of 2015, 48  
3 hours have elapsed since the licensee contacted the  
4 system, and the system has not notified the licensee  
5 that the receipt of a firearm by such other person  
6 would violate subsection (g) or (n) of this section; or

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

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

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

17 “(7) In this subsection—

18 “(A) the term ‘chief law enforcement offi-  
19 cer’ means the chief of police, the sheriff, or an  
20 equivalent officer or the designee of any such  
21 individual; and

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

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

4           “(9) Notwithstanding any other provision of  
5 this chapter, upon receiving a request for an instant  
6 background check that originates from a gun show  
7 or event, the system shall complete the instant back-  
8 ground check before completing any pending instant  
9 background check that did not originate from a gun  
10 show or event.”; and

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

13           “(t)(1) Beginning on the date that is 180 days after  
14 the date of enactment of this subsection and except as pro-  
15 vided in paragraph (2), it shall be unlawful for any person  
16 other than a licensed dealer, licensed manufacturer, or li-  
17 censed importer to complete the transfer of a firearm to  
18 any other person who is not licensed under this chapter,  
19 if such transfer occurs—

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

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

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

2 “(A) the transfer is made after a licensed im-  
3 porter, licensed manufacturer, or licensed dealer has  
4 first taken possession of the firearm for the purpose  
5 of complying with subsection (s), and upon taking  
6 possession of the firearm, the licensee complies with  
7 all requirements of this chapter as if the licensee  
8 were transferring the firearm from the licensee’s  
9 business inventory to the unlicensed transferee, ex-  
10 cept that when processing a transfer under this  
11 chapter the licensee may accept in lieu of conducting  
12 a background check a valid permit issued within the  
13 previous 5 years by a State, or a political subdivision  
14 of a State, that allows the transferee to possess, ac-  
15 quire, or carry a firearm, if the law of the State, or  
16 political subdivision of a State, that issued the per-  
17 mit requires that such permit is issued only after an  
18 authorized government official has verified that the  
19 information available to such official does not indi-  
20 cate that possession of a firearm by the unlicensed  
21 transferee would be in violation of Federal, State, or  
22 local law;

23 “(B) the transfer is made between an unli-  
24 censed transferor and an unlicensed transferee resid-

1       ing in the same State, which takes place in such  
2       State, if—

3               “(i) the Attorney General certifies that  
4               State in which the transfer takes place has in  
5               effect requirements under law that are generally  
6               equivalent to the requirements of this section;  
7               and

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

10              “(C) the transfer is made between spouses, be-  
11              tween parents or spouses of parents and their chil-  
12              dren or spouses of their children, between siblings or  
13              spouses of siblings, or between grandparents or  
14              spouses of grandparents and their grandchildren or  
15              spouses of their grandchildren, or between aunts or  
16              uncles or their spouses and their nieces or nephews  
17              or their spouses, or between first cousins, if the  
18              transferor does not know or have reasonable cause  
19              to believe that the transferee is prohibited from re-  
20              ceiving or possessing a firearm under Federal, State,  
21              or local law; or

22              “(D) the Attorney General has approved the  
23              transfer under section 5812 of the Internal Revenue  
24              Code of 1986.

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

9           “(A) knows or has reasonable cause to believe  
10 that the information provided for purposes of identi-  
11 fying the transferor, transferee, or the firearm is  
12 false;

13           “(B) knows or has reasonable cause to believe  
14 that the transferee is prohibited from purchasing,  
15 receiving, or possessing a firearm by Federal or  
16 State law, or published ordinance; or

17           “(C) knowingly violates any other provision of  
18 this chapter, or the rules or regulations promulgated  
19 thereunder.

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

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

1       “(C) Regulations promulgated under this paragraph  
2 may not include any provision requiring persons not li-  
3 censed under this chapter to keep records of background  
4 checks or firearms transfers.

5       “(D) Regulations promulgated under this paragraph  
6 may not include any provision placing a cap on the fee  
7 licensees may charge to facilitate transfers in accordance  
8 with paragraph (2)(A).

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

16       “(B) A provider of an interactive computer service  
17 shall be immune from a qualified civil liability action relat-  
18 ing to the transfer of a firearm as if the provider of an  
19 interactive computer service were a seller of a qualified  
20 product.

21       “(C) In this paragraph—

22               “(i) the term ‘interactive computer service’ shall  
23 have the meaning given the term in section 230(f)  
24 of the Communications Act of 1934 (47 U.S.C.  
25 230(f)); and

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

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

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

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

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

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

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

24                 “(B) does not include an offer or exhibit of fire-  
25          arms for sale, exchange, or transfer by an individual

1 from the personal collection of that individual, at the  
2 private residence of that individual, if the individual  
3 is not required to be licensed under section 923.”.

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

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

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

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

23 “(A) a person with a valid, current license  
24 under this chapter;

1           “(B) an unlicensed transferor under sec-  
2           tion 922(t); or

3           “(2) possession or ownership of a firearm,  
4           maintained by any medical or health insurance enti-  
5           ty.”.

6           (d) TECHNICAL AND CONFORMING AMENDMENTS.—

7           (1) SECTION 922.—Section 922(y)(2) of title  
8           18, United States Code, is amended, in the matter  
9           preceding subparagraph (A), by striking “,  
10          (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and  
11          (g)(5)(B)”.

12          (2) CONSOLIDATED AND FURTHER CONTINUING  
13          APPROPRIATIONS ACT, 2012.—Section 511 of title V  
14          of division B of the Consolidated and Further Con-  
15          tinuing Appropriations Act, 2012 (18 U.S.C. 922  
16          note) is amended by striking “subsection 922(t)”  
17          each place it appears and inserting “subsection (s)  
18          or (t) of section 922”.

19       **SEC. 203. PENALTIES.**

20          Section 924 of title 18, United States Code, is  
21          amended—

22          (1) in subsection (a), by adding at the end the  
23          following:

24          “(8) Whoever makes or attempts to make a transfer  
25          of a firearm in violation of section 922(t) to a person not

1 licensed under this chapter who is prohibited from receiv-  
2 ing a firearm under subsection (g) or (n) of section 922  
3 or State law, to a law enforcement officer, or to a person  
4 acting at the direction of, or with the approval of, a law  
5 enforcement officer authorized to investigate or prosecute  
6 violations of section 922(t), shall be fined under this title,  
7 imprisoned not more than 5 years, or both.”; and

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

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

13 **SEC. 204. FIREARMS DISPOSITIONS.**

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

16 (1) in the matter preceding subparagraph (A),  
17 by striking “located” and inserting “located or tem-  
18 porarily located”; and

19 (2) in subparagraph (A)—

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

22 (B) by striking “located” and inserting  
23 “located or temporarily located”; and

24 (C) by striking “both such States” and in-  
25 serting “the State in which the transfer is con-

1           ducted and the State of residence of the trans-  
2           feree”.

3 **SEC. 205. FIREARM DEALER ACCESS TO LAW ENFORCE-**  
4 **MENT INFORMATION.**

5           Section 103(b) of Public Law 103–159 (18 U.S.C.  
6 922 note) is amended—

7           (1) by striking “Not later than” and inserting  
8           the following:

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

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

11          “(2) VOLUNTARY BACKGROUND CHECKS.—Not  
12          later than 90 days after the date of enactment of  
13          the Public Safety and Second Amendment Rights  
14          Protection Act of 2015, the Attorney General shall  
15          promulgate regulations allowing licensees to use the  
16          National Instant Criminal Background Check Sys-  
17          tem established under this section for purposes of  
18          conducting voluntary preemployment background  
19          checks on prospective employees.”.

20 **SEC. 206. DEALER LOCATION.**

21          Section 923 of title 18, United States Code, is  
22          amended—

23          (1) in subsection (j)—

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

4 (B) in the last sentence—

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

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

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

11 “(n) Nothing in this chapter shall be construed to  
12 prohibit the sale, transfer, delivery, or other disposition  
13 of a firearm or ammunition not otherwise prohibited under  
14 this chapter—

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

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

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

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

1 “(b) For purposes of this chapter:

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

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

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

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

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

19 **SEC. 208. INTERSTATE TRANSPORTATION OF FIREARMS OR**  
20 **AMMUNITION.**

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

1 **“§ 926A. Interstate transportation of firearms or am-**  
2 **munition**

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

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

9 “(2) does not include transportation—

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

13 “(B) with knowledge, or reasonable cause  
14 to believe, that a crime described in subpara-  
15 graph (A) is to be committed in the course of,  
16 or arising from, the transportation.

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

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

1                   “(A) the firearm is unloaded; and

2                   “(B)(i) if the transportation is by motor  
3                   vehicle—

4                   “(I) the firearm is not directly acces-  
5                   sible from the passenger compartment of  
6                   the motor vehicle; or

7                   “(II) if the motor vehicle is without a  
8                   compartment separate from the passenger  
9                   compartment, the firearm is—

10                   “(aa) in a locked container other  
11                   than the glove compartment or con-  
12                   sole; or

13                   “(bb) secured by a secure gun  
14                   storage or safety device; or

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

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

23                   “(A) the ammunition is not loaded into a  
24                   firearm; and

1           “(B)(i) if the transportation is by motor  
2           vehicle—

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

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

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

13           “(c) LIMITATION ON ARREST AUTHORITY.—A person  
14           who is transporting a firearm or ammunition may not  
15           be—

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

22                   “(2) detained for violation of any law or any  
23                   rule or regulation of a State, or any political subdivi-  
24                   sion thereof, relating to the possession, transpor-  
25                   tation, or carrying of firearms or ammunition, unless

1       there is reasonable suspicion that the transportation  
2       is not in accordance with subsection (b).”.

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

4       The table of sections for chapter 44 of such title is amend-  
5       ed by striking the item relating to section 926A and in-  
6       serting the following:

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

7       **SEC. 209. RULE OF CONSTRUCTION.**

8       Nothing in this title, or an amendment made by this  
9       title, shall be construed—

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

18           (2) to extend background check requirements to  
19           temporary transfers for purposes including lawful  
20           hunting or sporting or to temporary possession of a  
21           firearm for purposes of examination or evaluation by  
22           a prospective transferee.

23       **SEC. 210. EFFECTIVE DATE.**

24       (a) **IN GENERAL.**—Except as provided in subsection  
25       (b), this title and the amendments made by this title shall

1 take effect 180 days after the date of enactment of this  
2 Act.

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

## 7 **TITLE III—NATIONAL COMMISS-** 8 **SION ON MASS VIOLENCE**

### 9 **SEC. 301. SHORT TITLE.**

10 This title may be cited as the “National Commission  
11 on Mass Violence Act of 2015”.

### 12 **SEC. 302. NATIONAL COMMISSION ON MASS VIOLENCE.**

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

21 (b) MEMBERSHIP.—

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

24 (A) 6 members of the Commission shall be  
25 appointed by the Majority Leader of the Sen-

1           ate, in consultation with the Minority Leader of  
2           the Senate, 1 of whom shall serve as Chairman  
3           of the Commission; and

4                   (B) 6 members of the Commission shall be  
5           appointed by the Speaker of the House of Rep-  
6           resentatives, in consultation with the Minority  
7           Leader of the House of Representatives, 1 of  
8           whom shall serve as Vice Chairman of the Com-  
9           mission.

10           (2) PERSONS ELIGIBLE.—

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

13                           (i) well-known and respected individ-  
14                           uals among their peers in their respective  
15                           fields of expertise; and

16                           (ii) not less than 1 non-elected indi-  
17                           vidual from each of the following cat-  
18                           egories, who has expertise in the category,  
19                           by both experience and training:

20                                   (I) Firearms.

21                                   (II) Mental health.

22                                   (III) School safety.

23                                   (IV) Mass media.

24                   (B) EXPERTS.—In identifying the individ-  
25           uals to serve on the Commission, the appointing

1 authorities shall take special care to identify ex-  
2 perts in the fields described in section  
3 303(a)(2).

4 (C) PARTY AFFILIATION.—Not more than  
5 6 members of the Commission shall be from the  
6 same political party.

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

16 (4) OPERATION OF THE COMMISSION.—

17 (A) MEETINGS.—

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

20 (ii) INITIAL MEETING.—The initial  
21 meeting of the Commission shall be con-  
22 ducted not later than 30 days after the  
23 later of—

1 (I) the date of the appointment  
2 of the last member of the Commis-  
3 sion; or

4 (II) the date on which appro-  
5 priated funds are available for the  
6 Commission.

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

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

21 (a) STUDY.—

22 (1) IN GENERAL.—It shall be the duty of the  
23 Commission to conduct a comprehensive factual  
24 study of incidents of mass violence, including inci-  
25 dents of mass violence not involving firearms, in the

1 context of the many acts of senseless mass violence  
2 that occur in the United States each year, in order  
3 to determine the root causes of such mass violence.

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

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

17 (B) the effectiveness of and resources  
18 available for school security strategies to pre-  
19 vent incidents of mass violence;

20 (C) the role of families and the availability  
21 of mental health and other resources and strat-  
22 egies to help families detect and counter ten-  
23 dencies toward mass violence;

24 (D) the effectiveness and use of, and re-  
25 sources available to, the mental health system

1 in understanding, detecting, and countering  
2 tendencies toward mass violence, as well as the  
3 effects of treatments and therapies;

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

9 (F) the nature and impact of the alien-  
10 ation of the perpetrators of such incidents of  
11 mass violence from their schools, families, peer  
12 groups, and places of work;

13 (G) the role that domestic violence plays in  
14 causing incidents of mass violence;

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

18 (I) the availability and nature of firearms,  
19 including the means of acquiring such firearms,  
20 and all positive and negative impacts of such  
21 availability and nature on incidents of mass vio-  
22 lence or in preventing mass violence;

23 (J) the role of current prosecution rates in  
24 contributing to the availability of weapons that  
25 are used in mass violence;

1 (K) the availability of information regard-  
2 ing the construction of weapons, including ex-  
3 plosive devices, and any impact of such infor-  
4 mation on such incidents of mass violence;

5 (L) the views of law enforcement officials,  
6 religious leaders, mental health experts, and  
7 other relevant officials on the root causes and  
8 prevention of mass violence;

9 (M) incidents in which firearms were used  
10 to stop mass violence; and

11 (N) any other area that the Commission  
12 determines contributes to the causes of mass vi-  
13 olence.

14 (3) TESTIMONY OF VICTIMS AND SURVIVORS.—

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

21 (b) RECOMMENDATIONS.—Based on the findings of  
22 the study required under subsection (a), the Commission  
23 shall make recommendations to the President and Con-  
24 gress to address the causes of these recurring and tragic

1 incidents of mass violence and to reduce such incidents  
2 of mass violence.

3 (c) REPORTS.—

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

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

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

17 (A) the reports submitted to the Commis-  
18 sion by any entity under contract for research  
19 under section 304(e); and

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

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

23 (a) HEARINGS.—

24 (1) IN GENERAL.—The Commission may hold  
25 such hearings, sit and act at such times and places,

1 administer such oaths, take such testimony, and re-  
2 ceive such evidence as the Commission considers ad-  
3 visable to carry out its duties under section 303.

4 (2) WITNESS EXPENSES.—Witnesses requested  
5 to appear before the Commission shall be paid the  
6 same fees as are paid to witnesses under section  
7 1821 of title 28, United States Code.

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

14 (c) INFORMATION TO BE KEPT CONFIDENTIAL.—

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

23 (2) DISCLOSURE.—Information obtained by the  
24 Commission or the Attorney General under this title  
25 and shared with the Commission, other than infor-

1       mation available to the public, shall not be disclosed  
2       to any person in any manner, except—

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

8               (B) upon court order; or

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

12              (i) the identity of any person or busi-  
13              ness entity; or

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

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

21       **SEC. 305. COMMISSION PERSONNEL MATTERS.**

22       (a) COMPENSATION OF MEMBERS.—Each member of  
23       the Commission who is not an officer or employee of the  
24       Federal Government shall be compensated at a rate equal  
25       to the daily equivalent of the annual rate of basic pay pre-

1 scribed for level IV of the Executive Schedule under sec-  
2 tion 5315 of title 5, United States Code, for each day (in-  
3 cluding travel time) during which such member is engaged  
4 in the performance of the duties of the Commission. All  
5 members of the Commission who are officers or employees  
6 of the United States shall serve without compensation in  
7 addition to that received for their services as officers or  
8 employees of the United States.

9 (b) TRAVEL EXPENSES.—The members of the Com-  
10 mission shall be allowed travel expenses, including per  
11 diem in lieu of subsistence, at rates authorized for employ-  
12 ees of agencies under subchapter I of chapter 57 of title  
13 5, United States Code, while away from their homes or  
14 regular places of business in the performance of service  
15 for the Commission.

16 (c) STAFF.—

17 (1) IN GENERAL.—The Chairman of the Com-  
18 mission may, without regard to the civil service laws  
19 and regulations, appoint and terminate an executive  
20 director and such other additional employees as may  
21 be necessary to enable the Commission to perform  
22 its duties. The employment and termination of an  
23 executive director shall be subject to confirmation by  
24 a majority of the members of the Commission.

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

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

20          (d) PROCUREMENT OF TEMPORARY AND INTERMIT-  
21          TENT SERVICES.—The Chairman of the Commission may  
22          procure temporary and intermittent services under section  
23          3109(b) of title 5, United States Code, at rates for individ-  
24          uals not to exceed the daily equivalent of the annual rate

1 of basic pay prescribed for level V of the Executive Sched-  
2 ule under section 5316 of such title.

3 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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