

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: September 15, 2015

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations and
Neighborhoods Committee

FROM: Sharon M. Tso *Sharon M. Tso* Council File No: 15-0002-S60
Chief Legislative Analyst Assignment No: 15-06-0488

SUBJECT: Resolution (Koretz - Parks) to support H.R. 1217 (King)

CLA RECOMMENDATION: Adopt Resolution (Koretz - Parks) to include in the City's 2015 – 2016 Federal Legislative Program SUPPORT for H.R. 1217 (King), which would ensure that all individuals who should be prohibited from purchasing a firearm are listed in the National Instant Criminal Background Check System and enhance and expand the current background check process.

SUMMARY

On June 2, 2015, a Resolution (Koretz – Parks) was introduced in support of H.R. 1217 (King), which would ensure that all individuals who are prohibited from purchasing a firearm are listed in the National Instant Criminal Background Check System and enhance and expand the current background check system. The Resolution states that current background check requirements do not require individuals who purchase a firearm at a gun show to undergo a background check, and that there are deficits in the current system, with some information that should be included in background checks being omitted.

The Resolution states that individuals convicted of a serious crime or those suffering from mental illness that are a threat to themselves or others should not have access to firearms. The Resolution further states that H.R. 1217 was introduced to enhance the National Instant Criminal Background Check System, in order to ensure that more people undergo background checks when purchasing a firearm and that more relevant information is added to the system. The Resolution, therefore, seeks an official position of the City of Los Angeles to support H.R. 1217 (King), which would ensure that all individuals who should be prohibited from purchasing a firearm are listed on the National Instant Criminal Background Check System and enhance and expand the current background check system.

BACKGROUND

Under current law, there are significant loopholes in the criminal background check system for individuals who are seeking to purchase firearms. In many states, individuals who purchase a firearm at a gun show, through a classified ad or over the internet do not have to submit to a background check. Further, the National Instant Criminal Background Check System (NICS), the federal background system, does not include information related to mental illness and is often missing relevant criminal information, making it possible for people who may be a threat to themselves or others to legally purchase a weapon.

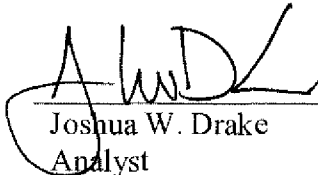
H.R. 1217 (King), would close these loopholes and strengthen the background check system, while preserving an individual's right to possess a firearm. Under H.R. 1217, the current background check system would be expanded to require a comprehensive background check on all firearm sales, including those at gun shows and over the internet. Further, H.R. 1217 would strengthen the NICS database by making grant funding available to states for the creation of better records sharing systems, ensuring that more individuals who should not be able to purchase a firearm are included in the NICS database. This would include individuals convicted of crimes or who suffer from a mental illness that makes them a danger to themselves or others. Currently, it is estimated that nearly four out of ten guns purchased in the United States are done so without a background check being conducted. Expanding the background check system in the United States would ensure that individuals who should not have access to firearms are not able to skirt background checks when obtaining a firearm.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

03/03/2015	Bill introduced
03/03/2015	Referred to the House Committee on the Judiciary and the House Committee on Veterans' Affairs
03/19/2015	referred to the Subcommittee on Disability Assistance and Memorial Affairs in the Veterans' Affairs Committee
03/31/2015	Referred to the Subcommittee on Crime, Terrorism, Homeland Security and Investigation in the Judiciary Committee


Joshua W. Drake
Analyst

SMT:MF:jwd

Attachment: Resolution (Koretz - Parks)
H.R. 1217 (King)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, current federal background check requirements do not require individuals seeking to purchase a firearm at a gun show to submit to a federal background check; and

WHEREAS, there are deficits in the current background check system, with some information not included which should be part of any background check for the purchase of a firearm; and

WHEREAS, individuals convicted of a serious crime and individuals suffering from mental illness that are a threat to themselves and others should not have access to firearms; and

WHEREAS, HR 1217 (King), was introduced to enhance the National Instant Criminal Background Check System (NICS); and

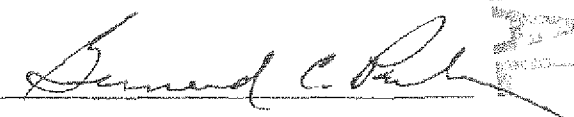
WHEREAS, HR 1217 has bipartisan support, and would require that individuals seeking to purchase a firearm at a gun show submit to a criminal background check; and

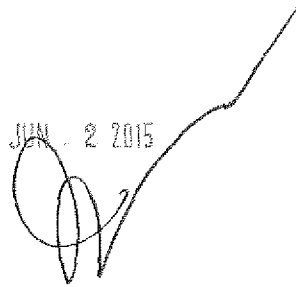
WHEREAS, HR 1217 would also require that more information is added to the NICS, including information on dangerous mental illness and criminal history; and

WHEREAS, HR 1217 would provide for a responsible and consistent background check process, and ensure that individuals who should not have access to firearms are unable to purchase them;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 Federal Legislative Program SUPPORT for HR 1217 (King), which would ensure that all individuals who should be prohibited from purchasing a firearm are listed in the National Instant Criminal Background Check System and enhance and expand the current background check process.

PRESENTED BY 
PAUL KORETZ
Councilmember, 5th District

SECONDED BY 

JUN 2 2015


ORIGINAL

114TH CONGRESS
1ST SESSION

H. R. 1217

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2015

Mr. KING of New York (for himself, Mr. THOMPSON of California, Mr. FITZPATRICK, Mr. MEEHAN, Ms. ESTY, Mr. DOLD, Miss RICE of New York, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Public Safety and Second Amendment Rights Protection
 4 Act of 2015”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. 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.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

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

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

1 **SEC. 3. RULE OF CONSTRUCTION.**

2 Nothing in this Act, or any amendment made by this
3 Act, shall be construed to—

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

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

9 **SEC. 4. SEVERABILITY.**

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

1 **TITLE I—ENSURING THAT ALL**
2 **INDIVIDUALS WHO SHOULD**
3 **BE PROHIBITED FROM BUY-**
4 **ING A GUN ARE LISTED IN**
5 **THE NATIONAL INSTANT**
6 **CRIMINAL BACKGROUND**
7 **CHECK SYSTEM**

8 **SEC. 101. REAUTHORIZATION OF THE NATIONAL CRIMINAL**
9 **HISTORY RECORDS IMPROVEMENT PRO-**
10 **GRAM.**

11 Section 106(b) of Public Law 103–159 (18 U.S.C.
12 922 note) is amended—

13 (1) in paragraph (1), in the matter preceding
14 subparagraph (A), by striking “of this Act” and in-
15 sserting “of the Public Safety and Second Amend-
16 ment Rights Protection Act of 2015”; and

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

19 “(2) **AUTHORIZATION OF APPROPRIATIONS.—**
20 There are authorized to be appropriated for grants
21 under this subsection \$100,000,000 for each of fis-
22 cal years 2016 through 2019.”.

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

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

5 “(b) IMPLEMENTATION PLAN.—

6 “(1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of the Public Safety and Sec-
8 ond Amendment Rights Protection Act of 2015, the
9 Attorney General, in coordination with the States,
10 shall establish, for each State or Indian tribal gov-
11 ernment applying for a grant under section 103, a
12 4-year implementation plan to ensure maximum co-
13 ordination and automation of the reporting of
14 records or making of records available to the Na-
15 tional Instant Criminal Background Check System.

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

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

23 “(A) IN GENERAL.—During the 4-year pe-
24 riod covered by a 4-year plan established under
25 paragraph (1), the Attorney General shall with-
26 hold—

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

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

17 “(iii) 13 percent of the amount that
18 would otherwise be allocated to a State
19 under section 505 of the Omnibus Crime
20 Control and Safe Streets Act of 1968 (42
21 U.S.C. 3755) if the State does not meet
22 the benchmark established under para-
23 graph (2) for the third year in the 4-year
24 period; and

1 “(iv) 15 percent of the amount that
2 would otherwise be allocated to a State
3 under section 505 of the Omnibus Crime
4 Control and Safe Streets Act of 1968 (42
5 U.S.C. 3755) if the State does not meet
6 the benchmark established under para-
7 graph (2) for the fourth year in the 4-year
8 period.

9 “(B) FAILURE TO ESTABLISH A PLAN.—A
10 State that fails to establish a plan under para-
11 graph (1) shall be treated as having not met
12 any benchmark established under paragraph
13 (2).”.

14 **SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
15 **ORDINATION AND AUTOMATION OF NICS**
16 **RECORD REPORTING.**

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

19 (1) by striking section 103 and inserting the
20 following:

21 **“SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
22 **ORDINATION AND AUTOMATION OF NICS**
23 **RECORD REPORTING.**

24 “(a) AUTHORIZATION.—From amounts made avail-
25 able to carry out this section, the Attorney General shall

1 make grants to States, Indian Tribal governments, and
2 State court systems, in a manner consistent with the Na-
3 tional Criminal History Improvement Program and con-
4 sistent with State plans for integration, automation, and
5 accessibility of criminal history records, for use by the
6 State, or units of local government of the State, Indian
7 Tribal government, or State court system to improve the
8 automation and transmittal of mental health records and
9 criminal history dispositions, records relevant to deter-
10 mining whether a person has been convicted of a mis-
11 demeanor crime of domestic violence, court orders, and
12 mental health adjudications or commitments to Federal
13 and State record repositories in accordance with section
14 102 and the National Criminal History Improvement Pro-
15 gram.

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

19 “(1) carry out, as necessary, assessments of the
20 capabilities of the courts of the State or Indian Trib-
21 al government for the automation and transmission
22 of arrest and conviction records, court orders, and
23 mental health adjudications or commitments to Fed-
24 eral and State record repositories;

1 “(2) implement policies, systems, and proce-
2 dures for the automation and transmission of arrest
3 and conviction records, court orders, and mental
4 health adjudications or commitments to Federal and
5 State record repositories;

6 “(3) create electronic systems that provide ac-
7 curate and up-to-date information which is directly
8 related to checks under the National Instant Crimi-
9 nal Background Check System, including court dis-
10 position and corrections records;

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

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

17 “(c) ELIGIBILITY.—

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

23 “(A) is not prohibited by State law or
24 court order from submitting mental health

1 records to the National Instant Criminal Back-
2 ground Check System; and

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

6 “(2) RELIEF FROM DISABILITIES PROGRAM.—
7 For purposes of obtaining a grant under this sec-
8 tion, a State, Indian Tribal government, or State
9 court system shall not be required to meet the eligi-
10 bility requirement described in paragraph (1)(B)
11 until the date that is 2 years after the date of enact-
12 ment of the Public Safety and Second Amendment
13 Rights Protection Act of 2015.

14 “(d) FEDERAL SHARE.—

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

21 “(2) INFRASTRUCTURE OR SYSTEM DEVELOP-
22 MENT.—The Federal share of an activity involving
23 infrastructure or system development, including
24 labor-related costs, for the purpose of improving
25 State or Indian Tribal government record reporting

1 to the National Instant Criminal Background Check
2 System carried out with a grant under this section
3 may amount to 100 percent of the cost of the activ-
4 ity.

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

9 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 \$100,000,000 for each of fiscal years 2016 through
12 2019.”;

13 (2) by striking title III; and

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

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

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

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

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

5 “(c) PENALTIES FOR NON-COMPLIANCE.—

6 “(1) 10 PERCENT REDUCTION.—During the 1-
7 year period beginning 2 years after the date of en-
8 actment of the Public Safety and Second Amend-
9 ment Rights Protection Act of 2015, the Attorney
10 General shall withhold 10 percent of the amount
11 that would otherwise be allocated to a State under
12 section 505 of the Omnibus Crime Control and Safe
13 Streets Act of 1968 (42 U.S.C. 3755) if the State
14 has not implemented a relief from disabilities pro-
15 gram in accordance with this section.

16 “(2) 11 PERCENT REDUCTION.—During the 1-
17 year period after the expiration of the period de-
18 scribed in paragraph (1), the Attorney General shall
19 withhold 11 percent of the amount that would other-
20 wise be allocated to a State under section 505 of the
21 Omnibus Crime Control and Safe Streets Act of
22 1968 (42 U.S.C. 3755) if the State has not imple-
23 mented a relief from disabilities program in accord-
24 ance with this section.

25 “(3) 13 PERCENT REDUCTION.—During the 1-
26 year period after the expiration of the period de-

1 scribed in paragraph (2), the Attorney General shall
2 withhold 13 percent of the amount that would other-
3 wise 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 has not imple-
6 mented a relief from disabilities program in accord-
7 ance with this section.

8 “(4) 15 PERCENT REDUCTION.—After the expi-
9 ration of the 1-year period described in paragraph
10 (3), the Attorney General shall withhold 15 percent
11 of the amount that would otherwise be allocated to
12 a State under section 505 of the Omnibus Crime
13 Control and Safe Streets Act of 1968 (42 U.S.C.
14 3755) if the State has not implemented a relief from
15 disabilities program in accordance with this section.

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

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

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

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

4 “(a) IN GENERAL.—In any case arising out of the
5 administration by the Secretary of laws and benefits under
6 this title, a person who is determined by the Secretary to
7 be mentally incompetent shall not be considered adju-
8 dicated pursuant to subsection (d)(4) or (g)(4) of section
9 922 of title 18 until—

10 “(1) in the case in which the person does not
11 request a review as described in subsection (c)(1),
12 the end of the 30-day period beginning on the date
13 on which the person receives notice submitted under
14 subsection (b); or

15 “(2) in the case in which the person requests a
16 review as described in paragraph (1) of subsection
17 (c), upon an assessment by the board designated or
18 established under paragraph (2) of such subsection
19 or court of competent jurisdiction that a person can-
20 not safely use, carry, possess, or store a firearm due
21 to mental incompetency.

22 “(b) NOTICE.—Notice submitted under this sub-
23 section to a person described in subsection (a) is notice
24 submitted by the Secretary that notifies the person of the
25 following:

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

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

4 “(3) The person’s right to request a review
5 under subsection (e)(1).

6 “(c) ADMINISTRATIVE REVIEW.—(1) Not later than
7 30 days after the date on which a person described in sub-
8 section (a) receives notice submitted under subsection (b),
9 such person may request a review by the board designed
10 or established under paragraph (2) or a court of com-
11 petent jurisdiction to assess whether a person cannot safe-
12 ly use, carry, possess, or store a firearm due to mental
13 incompetency. In such assessment, the board may consider
14 the person’s honorable discharge or decoration.

15 “(2) Not later than 180 days after the date of enact-
16 ment of the Public Safety and Second Amendment Rights
17 Protection Act of 2015, the Secretary shall designate or
18 establish a board that shall, upon request of a person
19 under paragraph (1), assess whether a person cannot safe-
20 ly use, carry, possess, or store a firearm due to mental
21 incompetency.

22 “(d) JUDICIAL REVIEW.—Not later than 30 days
23 after the date of an assessment of a person under sub-
24 section (c) by the board designated or established under
25 paragraph (2) of such subsection, such person may file

1 a petition for judicial review of such assessment with a
2 Federal court of competent jurisdiction.

3 “(e) PROTECTING RIGHTS OF VETERANS WITH EX-
4 ISTING RECORDS.—Not later than 90 days after the date
5 of enactment of the Public Safety and Second Amendment
6 Rights Protection Act of 2015, the Secretary shall provide
7 written notice of the opportunity for administrative review
8 and appeal under subsection (e) to all persons who, on
9 the date of enactment of the Public Safety and Second
10 Amendment Rights Protection Act of 2015, are considered
11 adjudicated pursuant to subsection (d)(4) or (g)(4) of sec-
12 tion 922 of title 18 as a result of having been found by
13 the Department of Veterans Affairs to be mentally incom-
14 petent.

15 “(f) FUTURE DETERMINATIONS.—

16 “(1) IN GENERAL.—Not later than 180 days
17 after the enactment of the Public Safety and Second
18 Amendment Rights Protection Act of 2015, the Sec-
19 retary shall review the policies and procedures by
20 which individuals are determined to be mentally in-
21 competent, and shall revise such policies and proce-
22 dures as necessary to ensure that any individual who
23 is competent to manage his own financial affairs, in-
24 cluding his receipt of Federal benefits, but who vol-
25 untarily turns over the management thereof to a fi-

1 duciary is not considered adjudicated pursuant to
2 subsection (d)(4) or (g)(4) of section 922 of title 18.

3 “(2) REPORT.—Not later than 30 days after
4 the Secretary has made the review and changes re-
5 quired under paragraph (1), the Secretary shall sub-
6 mit to Congress a report detailing the results of the
7 review and any resulting policy and procedural
8 changes.”.

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

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

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

1 **SEC. 106. 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 Public Law 103–159 (18 U.S.C.
 6 922 note) is amended by adding at the end the following:

7 “(F) APPLICATION TO FEDERAL
 8 COURTS.—In this subsection—

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

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

18 **SEC. 107. CLARIFICATION THAT SUBMISSION OF MENTAL**
 19 **HEALTH RECORDS TO THE NATIONAL IN-**
 20 **STANT CRIMINAL BACKGROUND CHECK SYS-**
 21 **TEM IS NOT PROHIBITED BY THE HEALTH IN-**
 22 **SURANCE PORTABILITY AND ACCOUNT-**
 23 **ABILITY ACT.**

24 Information collected under section 102(e)(3) of the
 25 NICS Improvement Amendments Act of 2007 (18 U.S.C.
 26 922 note) to assist the Attorney General in enforcing sec-

1 tion 922(g)(4) of title 18, United States Code, shall not
2 be subject to the regulations promulgated under section
3 264(c) of the Health Insurance Portability and Account-
4 ability Act of 1996 (42 U.S.C. 1320d-2 note).

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

6 Not later than 180 days after the date of enactment
7 of this Act, and biannually thereafter, the Attorney Gen-
8 eral shall make the National Instant Criminal Background
9 Check System index statistics available on a publically ac-
10 cessible Internet website.

11 **SEC. 109. EFFECTIVE DATE.**

12 The amendments made by this title shall take effect
13 180 days after the date of enactment of this Act.

14 **TITLE II—PROVIDING A RESPON-**
15 **SIBLE AND CONSISTENT**
16 **BACKGROUND CHECK PROC-**
17 **ESS**

18 **SEC. 201. PURPOSE.**

19 The purpose of this title is to enhance the current
20 background check process in the United States to ensure
21 criminals and the mentally ill are not able to purchase fire-
22 arms.

23 **SEC. 202. FIREARMS TRANSFERS.**

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

- 1 (1) by repealing subsection (s);
- 2 (2) by redesignating subsection (t) as sub-
- 3 section (s);
- 4 (3) in subsection (s), as redesignated—
- 5 (A) in paragraph (1)(B)—
- 6 (i) in clause (i), by striking “or”;
- 7 (ii) in clause (ii), by striking “and” at
- 8 the end; and
- 9 (iii) by adding at the end the fol-
- 10 lowing:
- 11 “(iii) in the case of an instant background
- 12 check conducted at a gun show or event during the
- 13 4-year period beginning on the effective date under
- 14 section 210(a) of the Public Safety and Second
- 15 Amendment Rights Protection Act of 2015, 48
- 16 hours have elapsed since the licensee contacted the
- 17 system, and the system has not notified the licensee
- 18 that the receipt of a firearm by such other person
- 19 would violate subsection (g) or (n) of this section; or
- 20 “(iv) in the case of an instant background
- 21 check conducted at a gun show or event after the 4-
- 22 year period described in clause (iii), 24 hours have
- 23 elapsed since the licensee contacted the system, and
- 24 the system has not notified the licensee that the re-

1 ceipt of a firearm by such other person would violate
2 subsection (g) or (n) of this section; and”;

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

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

6 “(7) In this subsection—

7 “(A) the term ‘chief law enforcement offi-
8 cer’ means the chief of police, the sheriff, or an
9 equivalent officer or the designee of any such
10 individual; and

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

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

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

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

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

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

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

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

15 “(A) the transfer is made after a licensed im-
16 porter, licensed manufacturer, or licensed dealer has
17 first taken possession of the firearm for the purpose
18 of complying with subsection (s), and upon taking
19 possession of the firearm, the licensee complies with
20 all requirements of this chapter as if the licensee
21 were transferring the firearm from the licensee’s
22 business inventory to the unlicensed transferee, ex-
23 cept that when processing a transfer under this
24 chapter the licensee may accept in lieu of conducting
25 a background check a valid permit issued within the

1 previous 5 years by a State, or a political subdivision
2 of a State, that allows the transferee to possess, ac-
3 quire, or carry a firearm, if the law of the State, or
4 political subdivision of a State, that issued the per-
5 mit requires that such permit is issued only after an
6 authorized government official has verified that the
7 information available to such official does not indi-
8 cate that possession of a firearm by the unlicensed
9 transferee would be in violation of Federal, State, or
10 local law;

11 “(B) the transfer is made between an unli-
12 censed transferor and an unlicensed transferee resid-
13 ing in the same State, which takes place in such
14 State, if—

15 “(i) the Attorney General certifies that
16 State in which the transfer takes place has in
17 effect requirements under law that are generally
18 equivalent to the requirements of this section;
19 and

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

22 “(C) the transfer is made between spouses, be-
23 tween parents or spouses of parents and their chil-
24 dren or spouses of their children, between siblings or
25 spouses of siblings, or between grandparents or

1 spouses of grandparents and their grandchildren or
2 spouses of their grandchildren, or between aunts or
3 uncles or their spouses and their nieces or nephews
4 or their spouses, or between first cousins, if the
5 transferor does not know or have reasonable cause
6 to believe that the transferee is prohibited from re-
7 ceiving or possessing a firearm under Federal, State,
8 or local law; or

9 “(D) the Attorney General has approved the
10 transfer under section 5812 of the Internal Revenue
11 Code of 1986.

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

20 “(A) knows or has reasonable cause to believe
21 that the information provided for purposes of identi-
22 fying the transferor, transferee, or the firearm is
23 false;

24 “(B) knows or has reasonable cause to believe
25 that the transferee is prohibited from purchasing,

1 receiving, or possessing a firearm by Federal or
2 State law, or published ordinance; or

3 “(C) knowingly violates any other provision of
4 this chapter, or the rules or regulations promulgated
5 thereunder.

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

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

12 “(C) Regulations promulgated under this paragraph
13 may not include any provision requiring persons not li-
14 censed under this chapter to keep records of background
15 checks or firearms transfers.

16 “(D) Regulations promulgated under this paragraph
17 may not include any provision placing a cap on the fee
18 licensees may charge to facilitate transfers in accordance
19 with paragraph (2)(A).

20 “(5)(A) A person other than a licensed importer, li-
21 censed manufacturer, or licensed dealer, who makes a
22 transfer of a firearm in accordance with this section, or
23 who is the organizer of a gun show or event at which such
24 transfer occurs, shall be immune from a qualified civil li-

1 ability action relating to the transfer of the firearm as if
2 the person were a seller of a qualified product.

3 “(B) A provider of an interactive computer service
4 shall be immune from a qualified civil liability action relat-
5 ing to the transfer of a firearm as if the provider of an
6 interactive computer service were a seller of a qualified
7 product.

8 “(C) In this paragraph—

9 “(i) the term ‘interactive computer service’ shall
10 have the meaning given the term in section 230(f)
11 of the Communications Act of 1934 (47 U.S.C.
12 230(f)); and

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

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

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

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

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

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

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

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

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

1 other than those records or documents constituting mate-
 2 rial evidence of a violation of law.”.

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

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

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

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

12 “(B) an unlicensed transferor under sec-
 13 tion 922(t); or

14 “(2) possession or ownership of a firearm,
 15 maintained by any medical or health insurance enti-
 16 ty.”.

17 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

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

23 (2) CONSOLIDATED AND FURTHER CONTINUING
 24 APPROPRIATIONS ACT, 2012.—Section 511 of title V
 25 of division B of the Consolidated and Further Con-

1 continuing Appropriations Act, 2012 (18 U.S.C. 922
2 note) is amended by striking “subsection 922(t)”
3 each place it appears and inserting “subsection (s)
4 or (t) of section 922”.

5 **SEC. 203. PENALTIES.**

6 Section 924 of title 18, United States Code, is
7 amended—

8 (1) in subsection (a), by adding at the end the
9 following:

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

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

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

1 **SEC. 204. FIREARMS DISPOSITIONS.**

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

4 (1) in the matter preceding subparagraph (A),
5 by striking “located” and inserting “located or tem-
6 porarily located”; and

7 (2) in subparagraph (A)—

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

10 (B) by striking “located” and inserting
11 “located or temporarily located”; and

12 (C) by striking “both such States” and in-
13 serting “the State in which the transfer is con-
14 ducted and the State of residence of the trans-
15 feree”.

16 **SEC. 205. FIREARM DEALER ACCESS TO LAW ENFORCE-**
17 **MENT INFORMATION.**

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

20 (1) by striking “Not later than” and inserting
21 the following:

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

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

24 “(2) VOLUNTARY BACKGROUND CHECKS.—Not
25 later than 90 days after the date of enactment of
26 the Public Safety and Second Amendment Rights

1 Protection Act of 2015, the Attorney General shall
2 promulgate regulations allowing licensees to use the
3 National Instant Criminal Background Check Sys-
4 tem established under this section for purposes of
5 conducting voluntary preemployment background
6 checks on prospective employees.”.

7 **SEC. 206. DEALER LOCATION.**

8 Section 923 of title 18, United States Code, is
9 amended—

10 (1) in subsection (j)—

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

14 (B) in the last sentence—

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

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

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

21 “(n) Nothing in this chapter shall be construed to
22 prohibit the sale, transfer, delivery, or other disposition
23 of a firearm or ammunition not otherwise prohibited under
24 this chapter—

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

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

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

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

12 “(b) For purposes of this chapter:

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

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

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

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

24 “(2) An officer or employee of the United
25 States (other than a member of the Armed Forces)

1 who is stationed outside the United States for a pe-
2 riod of more than 1 year, and a spouse of such an
3 officer or employee, is a resident of the State in
4 which the person maintains legal residence.”.

5 **SEC. 208. INTERSTATE TRANSPORTATION OF FIREARMS OR**
6 **AMMUNITION.**

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

9 **“§ 926A. Interstate transportation of firearms or am-**
10 **munition**

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

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

17 “(2) does not include transportation—

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

21 “(B) with knowledge, or reasonable cause
22 to believe, that a crime described in subpara-
23 graph (A) is to be committed in the course of,
24 or arising from, the transportation.

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

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

11 “(A) the firearm is unloaded; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **SEC. 209. RULE OF CONSTRUCTION.**

18 Nothing in this title, or an amendment made by this
19 title, shall be construed—

20 (1) to extend background check requirements to
21 transfers other than those made at gun shows or on
22 the curtilage thereof, or pursuant to an advertise-
23 ment, posting, display, or other listing on the Inter-
24 net or in a publication by the transferor of the in-
25 tent of the transferor to transfer, or the transferee

1 of the intent of the transferee to acquire, the fire-
2 arm; or

3 (2) to extend background check requirements to
4 temporary transfers for purposes including lawful
5 hunting or sporting or to temporary possession of a
6 firearm for purposes of examination or evaluation by
7 a prospective transferee.

8 **SEC. 210. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Except as provided in subsection
10 (b), this title and the amendments made by this title shall
11 take effect 180 days after the date of enactment of this
12 Act.

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

17 **TITLE III—NATIONAL COMMISS-**
18 **SION ON MASS VIOLENCE**

19 **SEC. 301. SHORT TITLE.**

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

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

23 (a) ESTABLISHMENT OF COMMISSION.—There is es-
24 tablished a commission to be known as the National Com-
25 mission on Mass Violence (in this title referred to as the

1 “Commission”) to study the availability and nature of fire-
2 arms, including the means of acquiring firearms, issues
3 relating to mental health, and all positive and negative im-
4 pacts of the availability and nature of firearms on inci-
5 dents of mass violence or in preventing mass violence.

6 (b) MEMBERSHIP.—

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

9 (A) 6 members of the Commission shall be
10 appointed by the Majority Leader of the Sen-
11 ate, in consultation with the Minority Leader of
12 the Senate, 1 of whom shall serve as Chairman
13 of the Commission; and

14 (B) 6 members of the Commission shall be
15 appointed by the Speaker of the House of Rep-
16 resentatives, in consultation with the Minority
17 Leader of the House of Representatives, 1 of
18 whom shall serve as Vice Chairman of the Com-
19 mission.

20 (2) PERSONS ELIGIBLE.—

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

23 (i) well-known and respected individ-
24 uals among their peers in their respective
25 fields of expertise; and

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

5 (I) Firearms.

6 (II) Mental health.

7 (III) School safety.

8 (IV) Mass media.

9 (B) EXPERTS.—In identifying the individ-
10 uals to serve on the Commission, the appointing
11 authorities shall take special care to identify ex-
12 perts in the fields described in section
13 303(a)(2).

14 (C) PARTY AFFILIATION.—Not more than
15 6 members of the Commission shall be from the
16 same political party.

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

1 (4) OPERATION OF THE COMMISSION.—

2 (A) MEETINGS.—

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

5 (ii) INITIAL MEETING.—The initial
6 meeting of the Commission shall be con-
7 ducted not later than 30 days after the
8 date later of—

9 (I) the date of the appointment
10 of the last member of the Commis-
11 sion; or

12 (II) the date on which appro-
13 priated funds are available for the
14 Commission.

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

1 inconsistent with this title or other applicable
2 law.

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

4 (a) **STUDY.**—

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

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

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

- 1 (B) the effectiveness of and resources
2 available for school security strategies to pre-
3 vent incidents of mass violence;
- 4 (C) the role of families and the availability
5 of mental health and other resources and strat-
6 egies to help families detect and counter ten-
7 dencies toward mass violence;
- 8 (D) the effectiveness and use of, and re-
9 sources available to, the mental health system
10 in understanding, detecting, and countering
11 tendencies toward mass violence, as well as the
12 effects of treatments and therapies;
- 13 (E) whether medical doctors and other
14 mental health professionals have the ability,
15 without negative legal or professional con-
16 sequences, to notify law enforcement officials
17 when a patient is a danger to himself or others;
- 18 (F) the nature and impact of the alien-
19 ation of the perpetrators of such incidents of
20 mass violence from their schools, families, peer
21 groups, and places of work;
- 22 (G) the role that domestic violence plays in
23 causing incidents of mass violence;

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

4 (I) the availability and nature of firearms,
5 including the means of acquiring such firearms,
6 and all positive and negative impacts of such
7 availability and nature on incidents of mass vio-
8 lence or in preventing mass violence;

9 (J) the role of current prosecution rates in
10 contributing to the availability of weapons that
11 are used in mass violence;

12 (K) the availability of information regard-
13 ing the construction of weapons, including ex-
14 plosive devices, and any impact of such infor-
15 mation on such incidents of mass violence;

16 (L) the views of law enforcement officials,
17 religious leaders, mental health experts, and
18 other relevant officials on the root causes and
19 prevention of mass violence;

20 (M) incidents in which firearms were used
21 to stop mass violence; and

22 (N) any other area that the Commission
23 determines contributes to the causes of mass vi-
24 olence.

1 (3) TESTIMONY OF VICTIMS AND SURVIVORS.—

2 In determining the root causes of these recurring
3 and tragic incidents of mass violence, the Commis-
4 sion shall, in accordance with section 304(a), take
5 the testimony of victims and survivors to learn and
6 memorialize their views and experiences regarding
7 such incidents of mass violence.

8 (b) RECOMMENDATIONS.—Based on the findings of
9 the study required under subsection (a), the Commission
10 shall make recommendations to the President and Con-
11 gress to address the causes of these recurring and tragic
12 incidents of mass violence and to reduce such incidents
13 of mass violence.

14 (c) REPORTS.—

15 (1) INTERIM REPORT.—Not later than 3
16 months after the date on which the Commission first
17 meets, the Commission shall submit to the President
18 and Congress an interim report describing any ini-
19 tial recommendations of the Commission.

20 (2) FINAL REPORT.—Not later than 6 months
21 after the date on which the Commission first meets,
22 the Commission shall submit to the President and
23 Congress a comprehensive report of the findings and
24 conclusions of the Commission, together with the
25 recommendations of the Commission.

1 (3) SUMMARIES.—The report under paragraph

2 (2) shall include a summary of—

3 (A) the reports submitted to the Commis-
4 sion by any entity under contract for research
5 under section 304(e); and

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

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

9 (a) HEARINGS.—

10 (1) IN GENERAL.—The Commission may hold
11 such hearings, sit and act at such times and places,
12 administer such oaths, take such testimony, and re-
13 ceive such evidence as the Commission considers ad-
14 visible to carry out its duties under section 303.

15 (2) WITNESS EXPENSES.—Witnesses requested
16 to appear before the Commission shall be paid the
17 same fees as are paid to witnesses under section
18 1821 of title 28, United States Code.

19 (b) INFORMATION FROM FEDERAL AGENCIES.—The
20 Commission may secure directly from any Federal agency
21 such information as the Commission considers necessary
22 to carry out its duties under section 143. Upon the request
23 of the Commission, the head of such agency may furnish
24 such information to the Commission.

25 (c) INFORMATION TO BE KEPT CONFIDENTIAL.—

1 (1) IN GENERAL.—The Commission shall be
2 considered an agency of the Federal Government for
3 purposes of section 1905 of title 18, United States
4 Code, and any individual employed by any individual
5 or entity under contract with the Commission under
6 subsection (d) of this section shall be considered an
7 employee of the Commission for the purposes of sec-
8 tion 1905 of title 18, United States Code.

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

14 (A) to Commission employees or employees
15 of any individual or entity under contract to the
16 Commission under subsection (d) for the pur-
17 pose of receiving, reviewing, or processing such
18 information;

19 (B) upon court order; or

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

23 (i) the identity of any person or busi-
24 ness entity; or

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

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

8 **SEC. 305. COMMISSION PERSONNEL MATTERS.**

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

21 (b) TRAVEL EXPENSES.—The members of the Com-
22 mission shall be allowed travel expenses, including per
23 diem in lieu of subsistence, at rates authorized for employ-
24 ees of agencies under subchapter I of chapter 57 of title
25 5, United States Code, while away from their homes or

1 regular places of business in the performance of service
2 for the Commission.

3 (c) STAFF.—

4 (1) IN GENERAL.—The Chairman of the Com-
5 mission may, without regard to the civil service laws
6 and regulations, appoint and terminate an executive
7 director and such other additional employees as may
8 be necessary to enable the Commission to perform
9 its duties. The employment and termination of an
10 executive director shall be subject to confirmation by
11 a majority of the members of the Commission.

12 (2) COMPENSATION.—The executive director
13 shall be compensated at a rate not to exceed the rate
14 payable for level V of the Executive Schedule under
15 section 5316 of title 5, United States Code. The
16 Chairman may fix the compensation of other em-
17 ployees without regard to the provisions of chapter
18 51 and subchapter III of chapter 53 of title 5,
19 United States Code, relating to classification of posi-
20 tions and General Schedule pay rates, except that
21 the rate of pay for such employees may not exceed
22 the rate payable for level V of the Executive Sched-
23 ule under section 5316 of such title.

24 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
25 Any Federal Government employee, with the ap-

1 proval of the head of the appropriate Federal agen-
2 cy, may be detailed to the Commission without reim-
3 bursement, and such detail shall be without inter-
4 ruption or loss of civil service status, benefits, or
5 privilege.

6 (d) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
7 **TENT SERVICES.**—The Chairman of the Commission may
8 procure temporary and intermittent services under section
9 3109(b) of title 5, United States Code, at rates for individ-
10 uals not to exceed the daily equivalent of the annual rate
11 of basic pay prescribed for level V of the Executive Sched-
12 ule under section 5316 of such title.

13 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Com-
15 mission and any agency of the Federal Government assist-
16 ing the Commission in carrying out its duties under this
17 title such sums as may be necessary to carry out the pur-
18 poses of this title. Any sums appropriated shall remain
19 available, without fiscal year limitation, until expended.

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

21 The Commission shall terminate 30 days after the
22 Commission submits the final report under section
23 303(e)(2).

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