

AMENDMENT NO. _____ Calendar No. _____

Purpose: 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 SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 649

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MANCHIN (for himself, Mr. TOOMEY, Mr. KIRK, and Mr. SCHUMER)

Viz:

1 Strike title I and insert the following:

2 **TITLE I—PUBLIC SAFETY AND**
3 **SECOND AMENDMENT**
4 **RIGHTS PROTECTION ACT**

5 **SECTION 101. SHORT TITLE.**

6 This title may be cited as the “Public Safety and Sec-
7 ond Amendment Rights Protection Act of 2013”.

1 **SEC. 102. 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 incum-
23 bent upon all citizens to ensure weapons are not
24 being transferred to such people.

1 **SEC. 103. RULE OF CONSTRUCTION.**

2 Nothing in this title, or any amendment made by this
3 title, 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. 104. SEVERABILITY.**

10 If any provision of this title or an amendment made
11 by this title, 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 title and amendments made by this title,
15 and the application of the provisions and amendment to
16 any other person or circumstance, shall not be affected.

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

7 **SEC. 111. REAUTHORIZATION OF THE NATIONAL CRIMINAL**
8 **HISTORY RECORDS IMPROVEMENT PRO-**
9 **GRAM.**

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

12 (1) in paragraph (1), in the matter preceding
13 subparagraph (A), by striking “of this Act” and in-
14 serting “of the Public Safety and Second Amend-
15 ment Rights Protection Act of 2013”; and

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

18 “(2) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated for grants
20 under this subsection \$100,000,000 for each of fis-
21 cal years 2014 through 2017.”.

22 **SEC. 112. IMPROVEMENT OF METRICS AND INCENTIVES.**

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

1 “(b) IMPLEMENTATION PLAN.—

2 “(1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of the Public Safety and Sec-
4 ond Amendment Rights Protection Act of 2013, the
5 Attorney General, in coordination with the States,
6 shall establish for each State or Indian tribal gov-
7 ernment desiring a grant under section 103 a 4-year
8 implementation plan to ensure maximum coordina-
9 tion and automation of the reporting of records or
10 making records available to the National Instant
11 Criminal Background Check System.

12 “(2) BENCHMARK REQUIREMENTS.—Each 4-
13 year plan established under paragraph (1) shall in-
14 clude annual benchmarks, including both qualitative
15 goals and quantitative measures, to assess imple-
16 mentation of the 4-year plan.

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

18 “(A) IN GENERAL.—During the 4-year pe-
19 riod covered by a 4-year plan established under
20 paragraph (1), the Attorney General shall with-
21 hold—

22 “(i) 10 percent of the amount that
23 would otherwise be allocated to a State
24 under section 505 of the Omnibus Crime
25 Control and Safe Streets Act of 1968 (42

1 U.S.C. 3755) if the State does not meet
2 the benchmark established under para-
3 graph (2) for the first year in the 4-year
4 period;

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

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

21 “(iv) 15 percent of the amount that
22 would otherwise be allocated to a State
23 under section 505 of the Omnibus Crime
24 Control and Safe Streets Act of 1968 (42
25 U.S.C. 3755) if the State does not meet

1 the benchmark established under para-
2 graph (2) for the fourth year in the 4-year
3 period.

4 “(B) FAILURE TO ESTABLISH A PLAN.—A
5 State that fails to establish a plan under para-
6 graph (1) shall be treated as having not met
7 any benchmark established under paragraph
8 (2).”.

9 **SEC. 113. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
10 **ORDINATION AND AUTOMATION OF NICS**
11 **RECORD REPORTING.**

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

14 (1) by striking section 103 and inserting the
15 following:

16 **“SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
17 **ORDINATION AND AUTOMATION OF NICS**
18 **RECORD REPORTING.**

19 “(a) AUTHORIZATION.—From amounts made avail-
20 able to carry out this section, the Attorney General shall
21 make grants to States, Indian Tribal governments, and
22 State court systems, in a manner consistent with the Na-
23 tional Criminal History Improvement Program and con-
24 sistent with State plans for integration, automation, and
25 accessibility of criminal history records, for use by the

1 State, or units of local government of the State, Indian
2 Tribal government, or State court system to improve the
3 automation and transmittal of mental health records and
4 criminal history dispositions, records relevant to deter-
5 mining whether a person has been convicted of a mis-
6 demeanor crime of domestic violence, court orders, and
7 mental health adjudications or commitments to Federal
8 and State record repositories in accordance with section
9 102 and the National Criminal History Improvement Pro-
10 gram.

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

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

20 “(2) implement policies, systems, and proce-
21 dures for the automation and transmission of arrest
22 and conviction records, court orders, and mental
23 health adjudications or commitments to Federal and
24 State record repositories;

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

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

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

12 “(c) ELIGIBILITY.—

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

18 “(A) is not prohibited by State law or
19 court order from submitting mental health
20 records to the National Instant Criminal Back-
21 ground Check System; and

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

1 “(2) RELIEF FROM DISABILITIES PROGRAM.—
2 For purposes of obtaining a grant under this sec-
3 tion, a State, Indian Tribal government, or State
4 court system shall not be required to meet the eligi-
5 bility requirement described in paragraph (1)(B)
6 until the date that is 2 years after the date of enact-
7 ment of the Public Safety and Second Amendment
8 Rights Protection Act of 2013.

9 “(d) FEDERAL SHARE.—

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

16 “(2) INFRASTRUCTURE OR SYSTEM DEVELOP-
17 MENT.—The Federal share of an activity involving
18 infrastructure or system development, including
19 labor-related costs, for the purpose of improving
20 State or Indian Tribal government record reporting
21 to the National Instant Criminal Background Check
22 System carried out with a grant under this section
23 may amount to 100 percent of the cost of the activ-
24 ity.

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

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 \$100,000,000 for each of fiscal years 2014 through
8 2017.”;

9 (2) by striking title III; and

10 (3) in section 401(b), by inserting after “of this
11 Act” the following: “and 18 months after the date
12 of enactment of the Public Safety and Second
13 Amendment Rights Protection Act of 2013”.

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

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

19 **SEC. 114. RELIEF FROM DISABILITIES PROGRAM.**

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

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

1 “(1) 10 PERCENT REDUCTION.—During the 1-
2 year period beginning 2 years after the date of en-
3 actment of the Public Safety and Second Amend-
4 ment Rights Protection Act of 2013, the Attorney
5 General shall withhold 10 percent of the amount
6 that would otherwise be allocated to a State under
7 section 505 of the Omnibus Crime Control and Safe
8 Streets Act of 1968 (42 U.S.C. 3755) if the State
9 has not implemented a relief from disabilities pro-
10 gram in accordance with this section.

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

20 “(3) 13 PERCENT REDUCTION.—During the 1-
21 year period after the expiration of the period de-
22 scribed in paragraph (2), the Attorney General shall
23 withhold 13 percent of the amount that would other-
24 wise be allocated to a State under section 505 of the
25 Omnibus Crime Control and Safe Streets Act of

1 1968 (42 U.S.C. 3755) if the State has not imple-
2 mented a relief from disabilities program in accord-
3 ance with this section.

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

13 **SEC. 115. ADDITIONAL PROTECTIONS FOR OUR VETERANS.**

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

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

20 “(a) IN GENERAL.—In any case arising out of the
21 administration by the Secretary of laws and benefits under
22 this title, a person who is determined by the Secretary to
23 be mentally incompetent shall not be considered adju-
24 dicated pursuant to subsection (d)(4) or (g)(4) of section
25 922 of title 18 until—

1 “(1) in the case in which the person does not
2 request a review as described in subsection (c)(1),
3 the end of the 30-day period beginning on the date
4 on which the person receives notice submitted under
5 subsection (b); or

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

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

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

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

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

23 “(c) ADMINISTRATIVE REVIEW.—(1) Not later than
24 30 days after the date on which a person described in sub-
25 section (a) receives notice submitted under subsection (b),

1 such person may request a review by the board designed
2 or established under paragraph (2) or a court of com-
3 petent jurisdiction to assess whether a person cannot safe-
4 ly use, carry, possess, or store a firearm due to mental
5 incompetency. In such assessment, the board may consider
6 the person's honorable discharge or decoration.

7 “(2) Not later than 180 days after the date of enact-
8 ment of the Public Safety and Second Amendment Rights
9 Protection Act of 2013, the Secretary shall designate or
10 establish a board that shall, upon request of a person
11 under paragraph (1), assess whether a person cannot safe-
12 ly use, carry, possess, or store a firearm due to mental
13 incompetency.

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

20 “(e) PROTECTING RIGHTS OF VETERANS WITH EX-
21 ISTING RECORDS.—Not later than 90 days after the date
22 of enactment of the Public Safety and Second Amendment
23 Rights Protection Act of 2013, the Secretary shall provide
24 written notice of the opportunity for administrative review
25 and appeal under subsection (c) to all persons who, on

1 the date of enactment of the Public Safety and Second
2 Amendment Rights Protection Act of 2013, are considered
3 adjudicated pursuant to subsection (d)(4) or (g)(4) of sec-
4 tion 922 of title 18 as a result of having been found by
5 the Department of Veterans Affairs to be mentally incom-
6 petent.

7 “(f) FUTURE DETERMINATIONS.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the enactment of the Public Safety and Second
10 Amendment Rights Protection Act of 2013, the Sec-
11 retary shall review the policies and procedures by
12 which individuals are determined to be mentally in-
13 competent, and shall revise such policies and proce-
14 dures as necessary to ensure that any individual who
15 is competent to manage his own financial affairs, in-
16 cluding his receipt of Federal benefits, but who vol-
17 untarily turns over the management thereof to a fi-
18 duciary is not considered adjudicated pursuant to
19 subsection (d)(4) or (g)(4) of section 922 of title 18.

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

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

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

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

13 **SEC. 116. CLARIFICATION THAT FEDERAL COURT INFOR-**
 14 **MATION IS TO BE MADE AVAILABLE TO THE**
 15 **NATIONAL INSTANT CRIMINAL BACKGROUND**
 16 **CHECK SYSTEM.**

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

19 “(F) APPLICATION TO FEDERAL
 20 COURTS.—In this subsection—

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

1 “(ii) for purposes of any request, sub-
2 mission, or notification, the Director of the
3 Administrative Office of the United States
4 Courts shall perform the functions of the
5 head of the department or agency.”.

6 **SEC. 117. CLARIFICATION THAT SUBMISSION OF MENTAL**
7 **HEALTH RECORDS TO THE NATIONAL IN-**
8 **STANT CRIMINAL BACKGROUND CHECK SYS-**
9 **TEM IS NOT PROHIBITED BY THE HEALTH IN-**
10 **SURANCE PORTABILITY AND ACCOUNT-**
11 **ABILITY ACT.**

12 Information collected under section 102(e)(3) of the
13 NICS Improvement Amendments Act of 2007 (18 U.S.C.
14 922 note) to assist the Attorney General in enforcing sec-
15 tion 922(g)(4) of title 18, United States Code, shall not
16 be subject to the regulations promulgated under section
17 264(e) of the Health Insurance Portability and Account-
18 ability Act of 1996 (42 U.S.C. 1320d-2 note).

19 **SEC. 118. PUBLICATION OF NICS INDEX STATISTICS.**

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

1 **SEC. 119. EFFECTIVE DATE.**

2 The amendments made by this subtitle shall take ef-
3 fect 180 days after the date of enactment of this Act.

4 **Subtitle B—Providing a Respon-**
5 **sible and Consistent Back-**
6 **ground Check Process**

7 **SEC. 121. PURPOSE.**

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

12 **SEC. 122. FIREARMS TRANSFERS.**

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

15 (1) by repealing subsection (s);

16 (2) by redesignating subsection (t) as sub-
17 section (s);

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

19 (A) in paragraph (1)(B)—

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

21 (ii) in clause (ii), by striking “and” at
22 the end; and

23 (iii) by adding at the end the fol-
24 lowing:

25 “(iii) in the case of an instant background
26 check conducted at a gun show or event during the

1 4-year period beginning on the effective date under
2 section 130(a) of the Public Safety and Second
3 Amendment Rights Protection Act of 2013, 48
4 hours have elapsed since the licensee contacted the
5 system, and the system has not notified the licensee
6 that the receipt of a firearm by such other person
7 would violate subsection (g) or (n) of this section; or

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

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

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

18 “(7) In this subsection—

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

23 “(B) the term ‘gun show or event’ has the
24 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—

7 “(i) complies with all requirements of this
8 chapter as if the licensee were transferring the
9 firearm from the licensee’s business inventory
10 to the unlicensed transferee, except that when
11 processing a transfer under this chapter the li-
12 censee may accept in lieu of conducting a back-
13 ground check a valid permit issued within the
14 previous 5 years by a State, or a political sub-
15 division of a State, that allows the transferee to
16 possess, acquire, or carry a firearm, if the law
17 of the State, or political subdivision of a State,
18 that issued the permit requires that such per-
19 mit is issued only after an authorized govern-
20 ment official has verified that the information
21 available to such official does not indicate that
22 possession of a firearm by the unlicensed trans-
23 feree would be in violation of Federal, State, or
24 local law;

1 “(B) the transfer is made between an unli-
2 censed transferor and an unlicensed transferee resid-
3 ing in the same State, which takes place in such
4 State, if—

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

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

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

1 “(D) the Attorney General has approved the
2 transfer under section 5812 of the Internal Revenue
3 Code of 1986.

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

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

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

20 “(C) knowingly violates any other provision of
21 this chapter, or the rules or regulations promulgated
22 thereunder.

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

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

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

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

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

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

24 “(C) In this paragraph—

1 “(i) the term ‘interactive computer service’ shall
2 have the meaning given the term in section 230(f)
3 of the Communications Act of 1934 (47 U.S.C.
4 230(f)); and

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

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

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

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

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

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

23 “(A) means any event at which 75 or more fire-
24 arms are offered or exhibited for sale, exchange, or
25 transfer, if 1 or more of the firearms has been

1 shipped or transported in, or otherwise affects, inter-
2 state or foreign commerce; and

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

8 (b) PROHIBITING THE SEIZURE OF RECORDS OR
9 DOCUMENTS.—Section 923(g)(1)(D) is amended by strik-
10 ing, “The inspection and examination authorized by this
11 paragraph shall not be construed as authorizing the Attor-
12 ney General to seize any records or other documents other
13 than those records or documents constituting material evi-
14 dence of a violation of law,” and inserting the following:
15 “The Attorney General shall be prohibited from seizing
16 any records or other documents in the course of an inspec-
17 tion or examination authorized by this paragraph other
18 than those records or documents constituting material evi-
19 dence of a violation of law.”.

20 (c) PROHIBITION OF NATIONAL GUN REGISTRY.—
21 Section 923 of title 18, United States Code, is amended
22 by adding at the end the following:

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

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

3 “(A) a person with a valid, current license
4 under this chapter;

5 “(B) an unlicensed transferor under sec-
6 tion 922(t); or

7 “(2) possession or ownership of a firearm,
8 maintained by any medical or health insurance enti-
9 ty.”.

10 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) SECTION 922.—Section 922(y)(2) of title
12 18, United States Code, is amended, in the matter
13 preceding subparagraph (A), by striking “,
14 (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and
15 (g)(5)(B)”.

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

23 **SEC. 123. PENALTIES.**

24 Section 924 of title 18, United States Code, is
25 amended—

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

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

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

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

17 **SEC. 124. FIREARMS DISPOSITIONS.**

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

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

23 (2) in subparagraph (A)—

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

1 (B) by striking “located” and inserting
2 “located or temporarily located”; and

3 (C) by striking “both such States” and in-
4 serting “the State in which the transfer is con-
5 ducted and the State of residence of the trans-
6 feree”.

7 **SEC. 125. FIREARM DEALER ACCESS TO LAW ENFORCE-**
8 **MENT INFORMATION.**

9 Section 103(b) of Public Law 103–159 (18 U.S.C.
10 922 note), is amended—

11 (1) by striking “Not later than” and inserting
12 the following:

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

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

15 “(2) VOLUNTARY BACKGROUND CHECKS.—Not
16 later than 90 days after the date of enactment of
17 the Public Safety and Second Amendment Rights
18 Protection Act of 2013, the Attorney General shall
19 promulgate regulations allowing licensees to use the
20 National Instant Criminal Background Check Sys-
21 tem established under this section for purposes of
22 conducting voluntary preemployment background
23 checks on prospective employees.”.

1 **SEC. 126. DEALER LOCATION.**

2 Section 923 of title 18, United States Code, is
3 amended—

4 (1) in subsection (j)—

5 (A) in the first sentence, by striking “, and
6 such location is in the State which is specified
7 on the license”; and

8 (B) in the last sentence—

9 (i) by inserting “transfer,” after
10 “sell,”; and

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

13 (2) by adding after subsection (m), as added by
14 section 122(c), the following:

15 “(n) Nothing in this chapter shall be construed to
16 prohibit the sale, transfer, delivery, or other disposition
17 of a firearm or ammunition not otherwise prohibited under
18 this chapter—

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

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

1 **SEC. 127. RESIDENCE OF UNITED STATES OFFICERS.**

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

5 “(b) For purposes of this chapter:

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

9 “(A) the State in which the member or
10 spouse maintains legal residence;

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

13 “(C) the State in which the member main-
14 tains a place of abode from which the member
15 commutes each day to the permanent duty sta-
16 tion of the member.

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

23 **SEC. 128. INTERSTATE TRANSPORTATION OF FIREARMS OR**
24 **AMMUNITION.**

25 (a) IN GENERAL.—Section 926A of title 18, United
26 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 title 18, United
5 States Code, is amended by striking the item relating to
6 section 926A and inserting the following:

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

7 **SEC. 129. RULE OF CONSTRUCTION.**

8 Nothing in this subtitle, or an amendment made by
9 this subtitle, 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. 130. EFFECTIVE DATE.**

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

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

3 (b) FIREARM DEALER ACCESS TO LAW ENFORCE-
4 MENT INFORMATION.—Section 125 and the amendments
5 made by section 125 shall take effect on the date of enact-
6 ment of this Act.

7 **Subtitle C—National Commission**
8 **on Mass Violence**

9 **SEC. 141. SHORT TITLE.**

10 This subtitle may be cited as the “National Commis-
11 sion on Mass Violence Act of 2013”.

12 **SEC. 142. 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 subtitle referred to as
16 the “Commission”) to study the availability and nature
17 of firearms, including the means of acquiring firearms,
18 issues relating to mental health, and all positive and nega-
19 tive impacts of the availability and nature of firearms on
20 incidents 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 Democratic leader-
2 ship of the House of Representatives, 1 of
3 whom shall serve as Chairman of the Commis-
4 sion; and

5 (B) 6 members of the Commission shall be
6 appointed by the Speaker of the House of Rep-
7 resentatives, in consultation with the Repub-
8 lican leadership of the Senate, 1 of whom shall
9 serve as Vice Chairman of the Commission.

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
3 143(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 subtitle or other applica-
19 ble law.

20 **SEC. 143. 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 144(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 144(e); and

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

22 **SEC. 144. 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 143.

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) shall be considered an employee of the
21 Commission for the purposes of section 1905 of title
22 18, United States Code.

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

1 information available to the public, shall not be dis-
2 closed 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 143.

21 **SEC. 145. 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. 146. 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 subtitle such sums as may be necessary to carry out the
8 purposes of this subtitle. Any sums appropriated shall re-
9 main available, without fiscal year limitation, until ex-
10 pended.

11 **SEC. 147. TERMINATION OF THE COMMISSION.**

12 The Commission shall terminate 30 days after the
13 Commission submits the final report under section
14 143(e)(2).