

113TH CONGRESS
1ST SESSION

H. R. 21

To provide for greater safety in the use of firearms.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Mr. MORAN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for greater safety in the use of firearms.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “NRA Members’ Gun
5 Safety Act of 2013”.

6 **TITLE I—REQUIRING A BACK-**
7 **GROUND CHECK FOR EVERY**
8 **FIREARM SALE**

9 **SEC. 101. PURPOSE.**

10 The purpose of this title is to extend the Brady Law
11 background check procedures to all sales and transfers of
12 firearms.

1 **SEC. 102. FIREARMS TRANSFERS.**

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

5 **“§ 932. Background checks for firearm transfers by**
6 **unlicensed persons**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘unlicensed transferee’ means a
9 person who—

10 “(A) is not licensed under this chapter;

11 and

12 “(B) desires to receive a firearm from an
13 unlicensed transferor; and

14 “(2) the term ‘unlicensed transferor’ means a
15 person who—

16 “(A) is not licensed under this chapter;

17 and

18 “(B) desires to transfer a firearm to an
19 unlicensed transferee.

20 “(b) RESPONSIBILITIES OF TRANSFERORS OTHER
21 THAN LICENSEES.—

22 “(1) IN GENERAL.—It shall be unlawful for an
23 unlicensed transferor to transfer a firearm to an un-
24 licensed transferee, unless the firearm is trans-
25 ferred—

1 “(A)(i) through a licensed dealer under
2 subsection (d);

3 “(ii) through a law enforcement agency
4 under subsection (e);

5 “(iii) after inspecting a permit that con-
6 firms a background check under subsection (f);

7 or

8 “(iv) in accordance with an exception de-
9 scribed in subsection (g); and

10 “(B) in accordance with paragraph (2).

11 “(2) CRIMINAL BACKGROUND CHECKS.—Except
12 as provided in subsection (g), an unlicensed trans-
13 feror—

14 “(A) subject to subparagraph (B), may not
15 transfer a firearm to an unlicensed transferee
16 until—

17 “(i) the licensed dealer through which
18 the transfer is made under subsection (d)
19 makes a notification described in sub-
20 section (d)(3)(A);

21 “(ii) the law enforcement agency
22 through which the transfer is made under
23 subsection (e) makes a notification de-
24 scribed in subsection (e)(4)(A); or

1 “(iii) the unlicensed transferee has
2 presented a permit that confirms that a
3 background check has been conducted, as
4 described in subsection (f); and

5 “(B) may not transfer a firearm to an un-
6 licensed transferee if—

7 “(i) the licensed dealer through which
8 the transfer is made under subsection (d)
9 makes the notification described in sub-
10 subsection (d)(3)(B); or

11 “(ii) the law enforcement agency
12 through which the transfer is made under
13 subsection (e) makes the notification de-
14 scribed in subsection (e)(3)(B).

15 “(3) ABSENCE OF RECORDKEEPING REQUIRE-
16 MENTS.—Nothing in this section shall permit or au-
17 thorize the Attorney General to impose record-
18 keeping requirements on any unlicensed transferor.

19 “(c) RESPONSIBILITIES OF TRANSFEREES OTHER
20 THAN LICENSEES.—

21 “(1) IN GENERAL.—It shall be unlawful for an
22 unlicensed transferee to receive a firearm from an
23 unlicensed transferor, unless the firearm is trans-
24 ferred—

1 “(A)(i) through a licensed dealer under
2 subsection (d);

3 “(ii) through a law enforcement agency
4 under subsection (e);

5 “(iii) after inspecting a permit that con-
6 firms a background check in accordance with
7 subsection (f); or

8 “(iv) in accordance with an exception de-
9 scribed in subsection (g); and

10 “(B) in accordance with paragraph (2).

11 “(2) CRIMINAL BACKGROUND CHECKS.—Except
12 as provided in subsection (g), an unlicensed trans-
13 feree—

14 “(A) subject to subparagraph (B), may not
15 receive a firearm from an unlicensed transferor
16 until—

17 “(i) the licensed dealer through which
18 the transfer is made under subsection (d)
19 makes a notification described in sub-
20 section (d)(3)(A);

21 “(ii) the law enforcement agency
22 through which the transfer is made under
23 subsection (e) makes a notification de-
24 scribed in subsection (e)(4)(A); or

1 “(iii) the unlicensed transferee has
2 presented a permit that confirms that a
3 background check described in subsection
4 (f) has been conducted; and

5 “(B) may not receive a firearm from an-
6 other unlicensed transferor if—

7 “(i) the licensed dealer through which
8 the transfer is made under subsection (d)
9 makes a notification described in sub-
10 subsection (d)(3)(B); or

11 “(ii) the law enforcement agency
12 through which the transfer is made under
13 subsection (e) makes a notification de-
14 scribed in subsection (e)(4)(B).

15 “(d) BACKGROUND CHECKS THROUGH LICENSED
16 DEALERS.—A licensed dealer who agrees to assist in the
17 transfer of a firearm between unlicensed transferor and
18 an unlicensed transferee shall—

19 “(1) enter such information about the firearm
20 as the Attorney General may require by regulation
21 into a separate bound record;

22 “(2) record the transfer on a form specified by
23 the Attorney General;

24 “(3) comply with section 922(t) as if transfer-
25 ring the firearm from the inventory of the licensed

1 dealer to the unlicensed transferee (except that a li-
2 censed dealer assisting in the transfer of a firearm
3 under this subsection shall not be required to comply
4 again with the requirements of section 922(t) in de-
5 livering the firearm to the unlicensed transferee) and
6 notify the unlicensed transferor and unlicensed
7 transferee—

8 “(A) of such compliance; and

9 “(B) if the transfer is subject to the re-
10 quirements of section 922(t)(1), of any receipt
11 by the licensed dealer of a notification from the
12 national instant criminal background check sys-
13 tem that the transfer would violate section 922
14 or State law;

15 “(4) not later than 31 days after the date on
16 which the transfer occurs, submit to the Attorney
17 General a report of the transfer, which—

18 “(A) shall be on a form specified by the
19 Attorney General by regulation; and

20 “(B) shall not include the name of or other
21 identifying information relating to the unli-
22 censed transferor or unlicensed transferee;

23 “(5) if the licensed dealer assists an unlicensed
24 transferor in transferring, at the same time or dur-
25 ing any 5 consecutive business days, two or more

1 pistols or revolvers, or any combination of pistols
2 and revolvers totaling two or more, to the same unli-
3 censed transferee, in addition to the reports required
4 under paragraph (4), prepare a report of the mul-
5 tiple transfers, which shall—

6 “(A) be prepared on a form specified by
7 the Attorney General; and

8 “(B) not later than the close of business
9 on the date on which the transfer requiring the
10 report under this paragraph occurs, be sub-
11 mitted to—

12 “(i) the office specified on the form
13 described in subparagraph (A); and

14 “(ii) the appropriate State law en-
15 forcement agency of the jurisdiction in
16 which the transfer occurs; and

17 “(6) retain a record of the transfer as part of
18 the permanent business records of the licensed deal-
19 er.

20 “(e) BACKGROUND CHECKS THROUGH LAW EN-
21 FORCEMENT AGENCIES.—A State or local law enforce-
22 ment agency that agrees to assist an unlicensed transferor
23 in carrying out the responsibilities of the unlicensed trans-
24 feror under subsection (b) with respect to the transfer of
25 a firearm shall—

1 “(1)(A) contact the national instant criminal
2 background check system under section 922(t); and

3 “(B)(i) receive an identification number as de-
4 scribed in section 922(t)(1)(B)(i); or

5 “(ii) wait the period described in
6 922(t)(1)(B)(ii);

7 “(2) conduct such other checks as the agency
8 considers appropriate to determine whether the re-
9 ceipt or possession of the firearm by the unlicensed
10 transferee would violate section 922 or State law;

11 “(3) verify the identity of the unlicensed trans-
12 feree by—

13 “(A) examining a valid identification docu-
14 ment (as defined in section 1028(d)) of the un-
15 licensed transferee containing a photograph of
16 the unlicensed transferee; or

17 “(B) confirming that the unlicensed trans-
18 feror has examined a valid identification docu-
19 ment described in subparagraph (A);

20 “(4) notify the unlicensed transferor and trans-
21 feree—

22 “(A) of the compliance by the law enforce-
23 ment agency with the requirements under para-
24 graphs (1), (2), and (3); and

1 “(B) of any receipt by the law enforcement
2 agency of a notification from the national in-
3 stant criminal background check system or
4 other information that the transfer would vio-
5 late section 922 or would violate State law;

6 “(5) not later than 31 days after the date on
7 which the transfer occurs, submit to the Attorney
8 General a report of the transfer, which—

9 “(A) shall be on a form specified by the
10 Attorney General by regulation; and

11 “(B) shall not include the name of or other
12 identifying information relating to the unli-
13 censed transferor or unlicensed transferee;

14 “(6) if the law enforcement agency assists an
15 unlicensed transferor in transferring, at the same
16 time or during any 5 consecutive business days, two
17 or more pistols or revolvers, or any combination of
18 pistols and revolvers totaling two or more, to the
19 same unlicensed transferee, in addition to the re-
20 ports required under paragraph (5), prepare a re-
21 port of the multiple transfers, which shall be—

22 “(A) prepared on a form specified by the
23 Attorney General; and

1 “(B) not later 24 hours after the transfer
2 requiring the report under this paragraph oc-
3 curs, submitted to—

4 “(i) the office specified on the form
5 described in subparagraph (A); and

6 “(ii) the appropriate State law en-
7 forcement agency of the jurisdiction in
8 which the transfer occurs; and

9 “(7) maintain records of the transfer at such
10 place, and in such form, as the Attorney General
11 may prescribe.

12 “(f) PURCHASE PERMITS CONFIRMING BACKGROUND
13 CHECKS.—An unlicensed transferor may transfer a fire-
14 arm to an unlicensed transferee if the unlicensed trans-
15 feror verifies that—

16 “(1) the unlicensed transferee has presented to
17 a licensed dealer or a law enforcement official a per-
18 mit or license that allows the unlicensed transferee
19 to possess, acquire, or carry a firearm, and the li-
20 censed dealer or law enforcement official, as the case
21 may be, has verified to the unlicensed transferor
22 that the permit or license is valid;

23 “(2) the permit or license was issued not more
24 than 5 years before the date on which the permit or
25 license is presented under paragraph (1) by a law

1 enforcement agency in the State in which the trans-
2 fer is to take place;

3 “(3) the law of the State provides that the per-
4 mit or license is to be issued only after a law en-
5 forcement official has verified that neither the na-
6 tional instant criminal background check system nor
7 other information indicates that possession of a fire-
8 arm by the unlicensed transferee would be in viola-
9 tion of Federal, State, or local law; and

10 “(4) if the permit or license does not include a
11 photograph of the unlicensed transferee, the unli-
12 censed transferor has examined a valid identification
13 document (as defined in section 1028(d)) of the unli-
14 censed transferee containing a photograph of the un-
15 licensed transferee.

16 “(g) EXCEPTIONS.—Unless prohibited by any other
17 provision of law, subsections (b) and (c) shall not apply
18 to any transfer of a firearm between an unlicensed trans-
19 feror and unlicensed transferee, if—

20 “(1) the transfer is a bona fide gift between im-
21 mediate family members, including spouses, parents,
22 children, siblings, grandparents, and grandchildren;

23 “(2) the transfer occurs by operation of law, or
24 because of the death of another person for whom the

1 unlicensed transferor is an executor or administrator
2 of an estate or a trustee of a trust created in a will;

3 “(3) the transfer is temporary and occurs while
4 in the home of the unlicensed transferee, if—

5 “(A) the unlicensed transferee is not other-
6 wise prohibited from possessing firearms; and

7 “(B) the unlicensed transferee believes
8 that possession of the firearm is necessary to
9 prevent imminent death or great bodily harm to
10 the unlicensed transferee;

11 “(4) the transfer is approved by the Attorney
12 General under section 5812 of the Internal Revenue
13 Code of 1986; or

14 “(5) upon application of the unlicensed trans-
15 feror, the Attorney General determined that compli-
16 ance with subsection (b) is impracticable because—

17 “(A) the ratio of the number of law en-
18 forcement officers of the State in which the
19 transfer is to occur to the number of square
20 miles of land area of the State does not exceed
21 0.0025;

22 “(B) the location at which the transfer is
23 to occur is extremely remote in relation to the
24 chief law enforcement officer (as defined in sec-
25 tion 922(s)(8)); and

1 “(C) there is an absence of telecommuni-
2 cations facilities in the geographical area in
3 which the unlicensed transferor is located; or

4 “(6) the transfer is a temporary transfer of
5 possession without transfer of title that takes
6 place—

7 “(A) at a shooting range located in or on
8 premises owned or occupied by a duly incor-
9 porated organization organized for conservation
10 purposes or to foster proficiency in firearms;

11 “(B) at a target firearm shooting competi-
12 tion under the auspices of or approved by a
13 State agency or nonprofit organization; or

14 “(C) while hunting, fishing, or trapping,
15 if—

16 “(i) the activity is legal in all places
17 where the unlicensed transferee possesses
18 the firearm; and

19 “(ii) the unlicensed transferee holds
20 any required license or permit.

21 “(h) PROCESSING FEES.—A licensed dealer or law
22 enforcement agency that processes the transfer of a fire-
23 arm under this section may assess and collect a fee, in
24 an amount not to exceed \$15, with respect to each firearm
25 transfer processed.

1 “(m)(1)(A) It shall be unlawful for a licensed dealer
2 to authorize an employee hired by the employer on or after
3 the effective date of this subsection to possess or transfer
4 a firearm or ammunition in the course of employment with
5 the licensed dealer, unless the licensed dealer has received
6 from the Attorney General a notice that the Attorney Gen-
7 eral has determined that receipt of a firearm by the em-
8 ployee would not be unlawful.

9 “(B) Beginning 3 months after the effective date of
10 this subsection, it shall be unlawful for a licensed dealer
11 to authorize an employee hired by the employer before the
12 effective date of this subsection, to possess or transfer a
13 firearm or ammunition in the course of employment with
14 the licensed dealer, unless the licensed dealer has received
15 from the Attorney General a notice that the Attorney Gen-
16 eral has determined that receipt of a firearm by the em-
17 ployee would not be unlawful.

18 “(2) The Attorney General may temporarily waive
19 the applicability of paragraph (1) to an employer with re-
20 spect to an employee about whom the employer has sub-
21 mitted to the Attorney General the information described
22 in paragraph (3) if the Attorney General determines that
23 the Attorney General will be unable to make a determina-
24 tion under paragraph (3) with respect to the employee in
25 a timely manner.

1 “(3)(A) If the Attorney General receives from a li-
2 censed dealer the name and other identifying information
3 of an employee who will be authorized by the licensed deal-
4 er to possess or transfer a firearm in the course of employ-
5 ment with the licensed dealer, the Attorney General shall
6 determine whether it would be unlawful for the employee
7 to receive a firearm under Federal law or under the law
8 of any State or locality in which the employee may be so
9 authorized. In making the determination, the Attorney
10 General may take into account a letter or document issued
11 under subparagraph (B).

12 “(B)(i) If the Attorney General determines that such
13 a receipt of a firearm by the employee would not be unlaw-
14 ful, the Attorney General shall notify the licensed dealer
15 in writing or electronically of the determination, and issue
16 to the employee a letter of clearance, which confirms the
17 determination.

18 “(ii) If the Attorney General determines that such a
19 receipt of a firearm by the employee would be unlawful,
20 the Attorney General shall notify the licensed dealer in
21 writing or electronically of the determination, and issue
22 to the employee a document that—

23 “(I) confirms the determination;

24 “(II) explains the grounds for the determina-
25 tion;

1 “(III) provides information on how the dis-
2 ability may be relieved; and

3 “(IV) explains how the determination may be
4 appealed.”.

5 (b) PENALTIES.—

6 (1) ADMINISTRATIVE.—Section 923(e) of such
7 title is amended by inserting “knowingly violated
8 subsection (m)(1) or” before “willfully violated”.

9 (2) CRIMINAL.—Section 924(a)(1)(D) of such
10 title is amended by inserting “knowingly violates sec-
11 tion 923(m)(1) or” before “willfully”.

12 (c) CORRECTION OF ERRONEOUS SYSTEM INFORMA-
13 TION.—Section 103(g) of the Brady Handgun Violence
14 Prevention Act (18 U.S.C. 922 note) is amended—

15 (1) by inserting “or by an employee of the indi-
16 vidual” after “transferee” the first place it appears;
17 and

18 (2) by inserting “or employee, as the case may
19 be,” after “transferee” each subsequent place it ap-
20 pears.

21 (d) EFFECTIVE DATE.—The amendment made by
22 this section shall apply to conduct engaged in after the
23 3-month period that begins with the date of the enactment
24 of this Act.

1 **TITLE III—PREVENTION OF TER-**
2 **RORISTS FROM OBTAINING**
3 **FIREARMS OR EXPLOSIVES**

4 **SEC. 301. GRANTING THE ATTORNEY GENERAL THE AU-**
5 **THORITY TO DENY THE SALE, DELIVERY, OR**
6 **TRANSFER OF A FIREARM OR THE ISSUANCE**
7 **OF A FIREARMS OR EXPLOSIVES LICENSE OR**
8 **PERMIT TO DANGEROUS TERRORISTS.**

9 (a) STANDARD FOR EXERCISING ATTORNEY GEN-
10 ERAL DISCRETION REGARDING TRANSFERRING FIRE-
11 ARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS
12 TERRORISTS.—Chapter 44 of title 18, United States
13 Code, is amended—

14 (1) by inserting the following new section after
15 section 922:

16 **“§ 922A. Attorney General’s discretion to deny trans-**
17 **fer of a firearm**

18 “The Attorney General may deny the transfer of a
19 firearm pursuant to section 922(t)(1)(B)(ii) if the Attor-
20 ney General determines that the transferee is known (or
21 appropriately suspected) to be or have been engaged in
22 conduct constituting, in preparation for, in aid of, or re-
23 lated to terrorism, or providing material support thereof,
24 and the Attorney General has a reasonable belief that the

1 prospective transferee may use a firearm in connection
2 with terrorism.”;

3 (2) by inserting the following new section after
4 section 922A:

5 **“§ 922B. Attorney General’s discretion regarding ap-**
6 **plicants for firearm permits which would**
7 **qualify for the exemption provided under**
8 **section 922(t)(3)**

9 “The Attorney General may determine that an appli-
10 cant for a firearm permit which would qualify for an ex-
11 emption under section 922(t) is known (or appropriately
12 suspected) to be or have been engaged in conduct consti-
13 tuting, in preparation for, in aid of, or related to ter-
14 rorism, or providing material support thereof, and the At-
15 torney General has a reasonable belief that the applicant
16 may use a firearm in connection with terrorism.”; and

17 (3) in section 921(a), by adding at the end the
18 following:

19 “(36) The term ‘terrorism’ means ‘international ter-
20 rorism’ as defined in section 2331(1), and ‘domestic ter-
21 rorism’ as defined in section 2331(5).

22 “(37) The term ‘material support’ means ‘material
23 support or resources’ within the meaning of section 2339A
24 or 2339B.

1 “(38) The term ‘responsible person’ means an indi-
2 vidual who has the power, directly or indirectly, to direct
3 or cause the direction of the management and policies of
4 the applicant or licensee pertaining to firearms.”.

5 (b) EFFECT OF ATTORNEY GENERAL DISCRE-
6 TIONARY DENIAL THROUGH THE NATIONAL INSTANT
7 CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON
8 FIREARMS PERMITS.—Section 922(t) of such title is
9 amended—

10 (1) in paragraph (1)(B)(ii), by inserting “or
11 State law, or that the Attorney General has deter-
12 mined to deny the transfer of a firearm pursuant to
13 section 922A” before the semicolon;

14 (2) in paragraph (2), by inserting after “or
15 State law” the following: “or if the Attorney General
16 has not determined to deny the transfer of a firearm
17 pursuant to section 922A”;

18 (3) in paragraph (3)(A)(i)—

19 (A) by striking “and” at the end of sub-
20 clause (I); and

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

22 “(III) was issued after a check of the system
23 established pursuant to paragraph (1);”;

24 (4) in paragraph (3)(A)—

1 (A) by adding “and” at the end of clause
2 (ii); and

3 (B) by adding after and below the end the
4 following:

5 “(iii) the State issuing the permit
6 agrees to deny the permit application if
7 such other person is the subject of a deter-
8 mination by the Attorney General pursuant
9 to section 922B;”;

10 (5) in paragraph (4), by inserting after “or
11 State law,” the following: “or if the Attorney Gen-
12 eral has not determined to deny the transfer of a
13 firearm pursuant to section 922A;” and

14 (6) in paragraph (5), by inserting after “or
15 State law,” the following: “or if the Attorney Gen-
16 eral has determined to deny the transfer of a fire-
17 arm pursuant to section 922A;”.

18 (c) UNLAWFUL SALE OR DISPOSITION OF FIREARM
19 BASED ON ATTORNEY GENERAL DISCRETIONARY DE-
20 NIAL.—Section 922(d) of such title is amended—

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

23 (2) by striking the period at the end of para-
24 graph (9) and inserting “; or”; and

1 (3) by inserting after paragraph (9) the fol-
2 lowing:

3 “(10) has been the subject of a determination
4 by the Attorney General pursuant to section 922A,
5 922B, 923(d)(1)(H), or 923(e) of this title.”.

6 (d) ATTORNEY GENERAL DISCRETIONARY DENIAL
7 AS PROHIBITOR.—Section 922(g) of such title is amend-
8 ed—

9 (1) by striking “or” at the end of paragraph
10 (8);

11 (2) by striking the comma at the end of para-
12 graph (9) and inserting; “; or”; and

13 (3) by inserting after paragraph (9) the fol-
14 lowing:

15 “(10) who has received actual notice of the At-
16 torney General’s determination made pursuant to
17 section 922A, 922B, 923(d)(1)(H), or 923(e) of this
18 title.”.

19 (e) ATTORNEY GENERAL DISCRETIONARY DENIAL
20 OF FEDERAL FIREARMS LICENSES.—Section 923(d)(1) of
21 such title is amended—

22 (1) by striking “Any” and inserting “Except as
23 provided in subparagraph (H), any”;

24 (2) in subparagraph (F)(iii), by striking “and”
25 at the end;

1 (3) in subparagraph (G), by striking the period
2 and inserting “; and”; and

3 (4) by adding at the end the following:

4 “(H) The Attorney General may deny a li-
5 cense application if the Attorney General deter-
6 mines that the applicant (including any respon-
7 sible person) is known (or appropriately sus-
8 pected) to be or have been engaged in conduct
9 constituting, in preparation for, in aid of, or re-
10 lated to terrorism, or providing material sup-
11 port thereof, and the Attorney General has a
12 reasonable belief that the applicant may use a
13 firearm in connection with terrorism.”.

14 (f) DISCRETIONARY REVOCATION OF FEDERAL FIRE-
15 ARMS LICENSES.—Section 923(e) of such title is amend-
16 ed—

17 (1) in the first sentence—

18 (A) by inserting after “revoke” the fol-
19 lowing: “—(1)”; and

20 (B) by striking the period and inserting a
21 semicolon;

22 (2) in the second sentence—

23 (A) by striking “The Attorney General
24 may, after notice and opportunity for hearing,
25 revoke” and insert “(2)”; and

1 (B) by striking the period and inserting “;
2 or”; and

3 (3) by adding at the end the following:

4 “(3) any license issued under this section if the
5 Attorney General determines that the holder of the
6 license (including any responsible person) is known
7 (or appropriately suspected) to be or have been en-
8 gaged in conduct constituting, in preparation for, in
9 aid of, or related to terrorism, or providing material
10 support thereof, and the Attorney General has a rea-
11 sonable belief that the applicant may use a firearm
12 in connection with terrorism.”.

13 (g) ATTORNEY GENERAL’S ABILITY TO WITHHOLD
14 INFORMATION IN FIREARMS LICENSE DENIAL AND REV-
15 OCATION SUIT.—Section 923(f) of such title is amended—

16 (1) in the first sentence of paragraph (1), by
17 inserting “, except that if the denial or revocation is
18 pursuant to subsection (d)(1)(H) or (e)(3), then any
19 information on which the Attorney General relied for
20 this determination may be withheld from the peti-
21 tioner if the Attorney General determines that dis-
22 closure of the information would likely compromise
23 national security” before the period; and

24 (2) in paragraph (3), by inserting after the
25 third sentence the following: “With respect to any

1 information withheld from the aggrieved party under
2 paragraph (1), the United States may submit, and
3 the court may rely on, summaries or redacted
4 versions of documents containing information the
5 disclosure of which the Attorney General has deter-
6 mined would likely compromise national security.”.

7 (h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD
8 INFORMATION IN RELIEF FROM DISABILITIES LAW-
9 SUITS.—Section 925(c) of such title is amended by insert-
10 ing after the third sentence the following: “If receipt of
11 a firearms by the person would violate section 922(g)(10),
12 any information which the Attorney General relied on for
13 this determination may be withheld from the applicant if
14 the Attorney General determines that disclosure of the in-
15 formation would likely compromise national security. In
16 responding to the petition, the United States may submit,
17 and the court may rely on, summaries or redacted versions
18 of documents containing information the disclosure of
19 which the Attorney General has determined would likely
20 compromise national security.”.

21 (i) PENALTIES.—Section 924(k) of such title is
22 amended—

23 (1) by striking “or” at the end of paragraph
24 (2);

1 (2) in paragraph (3), by striking “, or” and in-
2 serting “; or”; and

3 (3) by inserting after paragraph (3) the fol-
4 lowing:

5 “(4) constitutes an act of terrorism (as defined
6 in section 921(a)(36)), or material support thereof
7 (as defined in section 921(a)(37)), or”.

8 (j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM
9 OR FIREARM PERMIT EXEMPTION.—Section 925A of such
10 title is amended—

11 (1) in the section heading, by striking “**Rem-
12 edy for erroneous denial of firearm**” and
13 inserting “**Remedies**”;

14 (2) by striking “Any person denied a firearm
15 pursuant to subsection (s) or (t) of section 922” and
16 inserting the following:

17 “(a) Except as provided in subsection (b), any person
18 denied a firearm pursuant to section 922(t) or pursuant
19 to a determination made under section 922B,”; and

20 (3) by adding after and below the end the fol-
21 lowing:

22 “(b) In any case in which the Attorney General has
23 denied the transfer of a firearm to a prospective transferee
24 pursuant to section 922A or has made a determination
25 regarding a firearm permit applicant pursuant to section

1 922B, an action challenging the determination may be
2 brought against the United States. The petition must be
3 filed not later than 60 days after the petitioner has re-
4 ceived actual notice of the Attorney General’s determina-
5 tion made pursuant to section 922A or 922B. The court
6 shall sustain the Attorney General’s determination on a
7 showing by the United States by a preponderance of evi-
8 dence that the Attorney General’s determination satisfied
9 the requirements of section 922A or 922B. To make this
10 showing, the United States may submit, and the court
11 may rely on, summaries or redacted versions of documents
12 containing information the disclosure of which the Attor-
13 ney General has determined would likely compromise na-
14 tional security. On request of the petitioner or the court’s
15 own motion, the court may review the full, undisclosed
16 documents *ex parte* and *in camera*. The court shall deter-
17 mine whether the summaries or redacted versions, as the
18 case may be, are fair and accurate representations of the
19 underlying documents. The court shall not consider the
20 full, undisclosed documents in deciding whether the Attor-
21 ney General’s determination satisfies the requirements of
22 section 922A or 922B.”.

23 (k) PROVISION OF GROUNDS UNDERLYING INELIGI-
24 BILITY DETERMINATION BY THE NATIONAL INSTANT
25 CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103

1 of the Brady Handgun Violence Prevention Act (Public
2 Law 103–159) is amended—

3 (1) in subsection (f)—

4 (A) by inserting after “is ineligible to re-
5 ceive a firearm,” the following: “or the Attorney
6 General has made a determination regarding an
7 applicant for a firearm permit pursuant to sec-
8 tion 922B of title 18, United States Code”; and

9 (B) by inserting after “the system shall
10 provide such reasons to the individual,” the fol-
11 lowing: “except for any information the disclo-
12 sure of which the Attorney General has deter-
13 mined would likely compromise national secu-
14 rity”; and

15 (2) in subsection (g)—

16 (A) in the first sentence, by inserting after
17 “subsection (g) or (n) of section 922 of title 18,
18 United States Code or State law” the following:
19 “or if the Attorney General has made a deter-
20 mination pursuant to section 922A or 922B of
21 such title,”;

22 (B) by inserting “, except any information
23 the disclosure of which the Attorney General
24 has determined would likely compromise na-
25 tional security” before the period; and

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

2 “Any petition for review of information with-
3 held by the Attorney General under this sub-
4 section shall be made in accordance with section
5 925A of title 18, United States Code.”.

6 (l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES
7 BASED ON ATTORNEY GENERAL DISCRETIONARY DE-
8 NIAL.—Section 842(d) of such title is amended—

9 (1) by striking the period at the end of para-
10 graph (9) and inserting “; or”; and

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

12 “(10) has received actual notice of the Attorney
13 General’s determination made pursuant to section
14 843(b)(8) or (d)(2) of this title.”.

15 (m) ATTORNEY GENERAL DISCRETIONARY DENIAL
16 AS PROHIBITOR.—Section 842(i) of such title is amend-
17 ed—

18 (1) by adding “or” at the end of paragraph (7);

19 and

20 (2) by inserting after paragraph (7) the fol-
21 lowing:

22 “(8) who has received actual notice of the At-
23 torney General’s determination made pursuant to
24 section 843(b)(8) or (d)(2),”.

1 (n) ATTORNEY GENERAL DISCRETIONARY DENIAL
2 OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—
3 Section 843(b) of such title is amended—

4 (1) by striking “Upon” and inserting the fol-
5 lowing: “Except as provided in paragraph (8), on”;
6 and

7 (2) by inserting after paragraph (7) the fol-
8 lowing:

9 “(8) The Attorney General may deny the
10 issuance of a permit or license to an applicant if the
11 Attorney General determines that the applicant or a
12 responsible person or employee possessor thereof is
13 known (or appropriately suspected) to be or have
14 been engaged in conduct constituting, in preparation
15 of, in aid of, or related to terrorism, or providing
16 material support thereof, and the Attorney General
17 has a reasonable belief that the person may use ex-
18 plosives in connection with terrorism.”.

19 (o) ATTORNEY GENERAL DISCRETIONARY REVOCA-
20 TION OF FEDERAL EXPLOSIVES LICENSES AND PER-
21 MITS.—Section 843(d) of such title is amended—

22 (1) by inserting “(1)” in the first sentence after
23 “if”; and

24 (2) by striking the period at the end of the first
25 sentence and inserting the following: “; or (2) the

1 Attorney General determines that the licensee or
2 holder (or any responsible person or employee pos-
3 sessor thereof) is known (or appropriately suspected)
4 to be or have been engaged in conduct constituting,
5 in preparation for, in aid of, or related to terrorism,
6 or providing material support thereof, and that the
7 Attorney General has a reasonable belief that the
8 person may use explosives in connection with ter-
9 rorism.”.

10 (p) ATTORNEY GENERAL’S ABILITY TO WITHHOLD
11 INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DE-
12 NIAL AND REVOCATION SUITS.—Section 843(e) of such
13 title is amended—

14 (1) in the first sentence of paragraph (1), by
15 inserting “except that if the denial or revocation is
16 based on a determination under subsection (b)(8) or
17 (d)(2), then any information which the Attorney
18 General relied on for the determination may be with-
19 held from the petitioner if the Attorney General de-
20 termines that disclosure of the information would
21 likely compromise national security” before the pe-
22 riod; and

23 (2) in paragraph (2), by adding at the end the
24 following: “In responding to any petition for review
25 of a denial or revocation based on a determination

1 under section 843(b)(8) or (d)(2), the United States
2 may submit, and the court may rely on, summaries
3 or redacted versions of documents containing infor-
4 mation the disclosure of which the Attorney General
5 has determined would likely compromise national se-
6 curity.”.

7 (q) ABILITY TO WITHHOLD INFORMATION IN COM-
8 MUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of
9 such title is amended—

10 (1) in subparagraph (A), by inserting “or sec-
11 tion 843(b)(1) (on grounds of terrorism) of this
12 title,” after “section 842(i),”; and

13 (2) in subparagraph (B)—

14 (A) by inserting “or section 843(b)(8)”
15 after “section 842(i),”; and

16 (B) in clause (ii), by inserting “, except
17 that any information that the Attorney General
18 relied on for a determination pursuant to sec-
19 tion 843(b)(8) may be withheld if the Attorney
20 General concludes that disclosure of the infor-
21 mation would likely compromise national secu-
22 rity” before the semicolon.

23 (r) CONFORMING AMENDMENT TO IMMIGRATION AND
24 NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Im-
25 migration and Nationality Act (8 U.S.C.

1 1101(a)(43)(E)(ii) is amended by striking “ or (5)” and
 2 inserting “(5), or (10)”.

3 **TITLE IV—REPORTING OF LOST**
 4 **OR STOLEN FIREARMS TO**
 5 **STATE OR LOCAL POLICE**

6 **SEC. 401. REQUIREMENT THAT GUN OWNERS REPORT LOST**
 7 **OR STOLEN FIREARMS TO STATE OR LOCAL**
 8 **POLICE.**

9 Section 923(g)(6) of title 18, United States Code, is
 10 amended—

11 (1) by inserting “(A)” after “(6)”; and

12 (2) by adding after and below the end the fol-
 13 lowing:

14 “(B) Each person who owns or possesses a firearm
 15 shall report the theft or loss of the firearm, within 48
 16 hours after the theft or loss is discovered, to the appro-
 17 priate local authorities.”.

18 **TITLE V—CONCEALED**
 19 **FIREARMS PERMITS**

20 **SEC. 501. CONCEALED FIREARMS PERMITS.**

21 (a) IN GENERAL.—Chapter 44 of title 18, United
 22 States Code, is amended by inserting after section 926C
 23 the following:

1 **“§ 926D. Concealed firearms permits**

2 “(a) IN GENERAL.—Each State that allows residents
3 of the State to carry concealed firearms in or affecting
4 interstate or foreign commerce shall—

5 “(1) establish a process to issue permits to resi-
6 dents of the State to carry concealed firearms in or
7 affecting interstate or foreign commerce; and

8 “(2) require that each resident of the State
9 seeking to carry a concealed firearm in or affecting
10 interstate or foreign commerce in the State obtain a
11 permit through the process established under para-
12 graph (1).

13 “(b) REQUIREMENTS.—In establishing a process to
14 issue permits to carry concealed firearms under subsection
15 (a), a State shall—

16 “(1) ensure that a local law enforcement agency
17 participates in the process; and

18 “(2) at a minimum, require that an applicant
19 for a permit to carry a concealed firearm in or af-
20 fecting interstate or foreign commerce—

21 “(A) be a legal resident of the United
22 States;

23 “(B) be not less than 21 years of age;

24 “(C) demonstrate good cause for request-
25 ing a concealed firearm permit;

1 “(D) demonstrate that the applicant is
2 worthy of the public trust to carry a concealed
3 firearm in public;

4 “(E) complete a firearm safety training
5 course certified by the State; and

6 “(F) not have been convicted of a crime of
7 violence.

8 “(c) LAW ENFORCEMENT AGENCY REPORT.—If a
9 State establishes a process under subsection (a) that al-
10 lows for an agency other than a law enforcement agency
11 to issue permits to carry concealed firearms, the process
12 shall require that—

13 “(1) a local law enforcement agency submit to
14 the agency responsible for issuing permits a written
15 report that describes whether the applicant meets
16 the standards of the State to carry a concealed fire-
17 arm; and

18 “(2) the agency responsible for issuing permits
19 maintain a report submitted under paragraph (1) in
20 the file of the applicant.

21 “(d) DEFINITION.—In this section, the term ‘local
22 law enforcement agency’ means a law enforcement agency
23 of the unit of local government with jurisdiction of the
24 area in which the applicant for a permit to carry a con-
25 cealed firearm resides.

1 “(e) COMPLIANCE.—Not later than 270 days after
2 the date of enactment of this section, each State described
3 in subsection (a) shall be in compliance with this section.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
5 The table of sections for such chapter is amended by in-
6 serting after the item relating to section 926C the fol-
7 lowing:

“926D. Concealed firearms permits.”.

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