

114TH CONGRESS
2D SESSION

S. 3069

To prevent terrorists from obtaining firearms or explosives.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2016

Mr. TOOMEY introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To prevent terrorists from obtaining firearms or explosives.

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. FIGHTING TERRORISM AND UPHOLDING DUE**
4 **PROCESS.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Fighting Terrorism and Upholding Due Process Act”.

7 (b) PREVENTING THE TRANSFER OF A FIREARM AND
8 THE ISSUANCE OR MAINTENANCE OF A FIREARMS OR EX-
9 PLOSIVES LICENSE OR PERMIT TO DANGEROUS TERROR-
10 ISTS.—Chapter 44 of title 18, United States Code, is
11 amended by inserting after section 922 the following:

1 **“§ 922A. Attorney General’s discretion to prohibit**
 2 **transfer of a firearm and deny or revoke**
 3 **a license or permit**

4 “(a) DEFINITIONS.—In this section—

5 “(1) the term ‘Foreign Intelligence Surveillance
 6 Court’ has the meaning given the term in section
 7 701 of the Foreign Intelligence Surveillance Act of
 8 1978 (50 U.S.C. 1881);

9 “(2) the term ‘material support or resources’
 10 shall include all actions prohibited by section 2339A;

11 “(3) the term ‘terrorism’ shall include ‘inter-
 12 national terrorism’ and ‘domestic terrorism’, as de-
 13 fined in section 2331; and

14 “(4) the term ‘Terrorism Firearm Screening
 15 List’ means the list developed by the Attorney Gen-
 16 eral under subsection (b)(4).

17 “(b) DEVELOPMENT OF TERRORISM FIREARM
 18 SCREENING LIST.—

19 “(1) IN GENERAL.—The Attorney General may
 20 develop a list of persons for whom the Attorney Gen-
 21 eral determines, for each person, that—

22 “(A) there is probable cause to believe the
 23 person is or has been engaged in conduct con-
 24 stituting, in preparation for, in aid of, or in
 25 support of terrorism, or providing material sup-
 26 port or resources for terrorism; and

1 “(B) there is reason to believe the person
2 may use a firearm in connection with terrorism.

3 “(2) REQUIREMENT.—The Attorney General
4 shall submit to the Foreign Intelligence Surveillance
5 Court—

6 “(A) the list of persons developed under
7 paragraph (1); and

8 “(B) the information and documents, in
9 unredacted form, supporting the Attorney Gen-
10 eral’s determinations as to which persons are
11 included on the list.

12 “(3) DETERMINATION.—Using the list, infor-
13 mation, and documents submitted under paragraph
14 (2), the Foreign Intelligence Surveillance Court shall
15 determine, for each person on the list, whether—

16 “(A) there is probable cause to believe the
17 person is or has been engaged in conduct con-
18 stituting, in preparation for, in aid of, or in
19 support of terrorism, or providing material sup-
20 port or resources for terrorism; and

21 “(B) there is reason to believe the person
22 may use a firearm in connection with terrorism.

23 “(4) CONSOLIDATED LIST.—The Attorney Gen-
24 eral shall establish a list of persons whom the For-
25 eign Intelligence Surveillance Court determines meet

1 the criteria described in paragraph (3), to be known
 2 as the ‘Terrorism Firearm Screening List’.

3 “(c) PERIODIC UPDATING AND REVIEW OF TER-
 4 RORISM FIREARM SCREENING LIST.—

5 “(1) UPDATES TO THE LIST.—The Attorney
 6 General may, after the development of the Terrorism
 7 Firearm Screening List, add additional persons to
 8 the Terrorism Firearm Screening List by following
 9 the procedures set forth in subsection (b) for each
 10 person to be added.

11 “(2) PERIODIC JUDICIAL REVIEW.—

12 “(A) IN GENERAL.—Not later than 1 year
 13 after the date of enactment of this section, and
 14 once every year thereafter, the Attorney Gen-
 15 eral shall submit to the Foreign Intelligence
 16 Surveillance Court the Terrorism Firearm
 17 Screening List.

18 “(B) REVIEW.—The Foreign Intelligence
 19 Surveillance Court shall review the Terrorism
 20 Firearm Screening List submitted under sub-
 21 paragraph (A) to determine whether any person
 22 on the list should be removed by reason of no
 23 longer satisfying the requirements described in
 24 subsection (b)(3).

1 “(C) PRODUCTION OF INFORMATION.—

2 Upon request of the Foreign Intelligence Sur-
3 veillance Court, the Attorney General shall pro-
4 vide to the Court any information the Court de-
5 termines necessary to conduct the review re-
6 quired under subparagraph (B).

7 “(D) REMOVAL OF NAMES.—In conducting
8 a review under subparagraph (B), if the For-
9 eign Intelligence Surveillance Court determines
10 that a person should be removed from the Ter-
11 rorism Firearm Screening List because the per-
12 son no longer satisfies the requirements de-
13 scribed in subsection (b)(3), the Attorney Gen-
14 eral shall remove such person from the Ter-
15 rorism Firearm Screening List.

16 “(d) AUTHORITY TO PROHIBIT FIREARM TRANS-
17 FERS AND TO DENY OR REVOKE LICENSES AND PER-
18 MITS.—In accordance with subsection (e), the Attorney
19 General may prohibit a person who is listed on the Ter-
20 rorism Firearm Screening List in accordance with sub-
21 sections (b) and (c), or for whom there is probable cause
22 to believe the person is or has been engaged in conduct
23 constituting, in preparation for, in aid of, or in support
24 of terrorism, or providing material support or resources

1 for terrorism, and there is reason to believe the person
 2 may use a firearm in connection with terrorism, from—

3 “(1) participating in the transfer of a firearm
 4 under section 922;

5 “(2) receiving or maintaining a firearms license
 6 under section 923; and

7 “(3) receiving or maintaining a license or per-
 8 mit for explosive materials under section 843.

9 “(e) PROCEDURE FOR PROHIBITING FIREARM
 10 TRANSFER OR DENYING OR REVOKING A LICENSE OR
 11 PERMIT.—

12 “(1) PROCEDURE WITH REGARD TO PERSONS
 13 INCLUDED ON THE TERRORISM FIREARM SCREENING
 14 LIST.—If the Attorney General prohibits the trans-
 15 fer of a firearm or denies or revokes a license or per-
 16 mit for firearms or explosive materials under sub-
 17 section (d) for a person who is listed on the Ter-
 18 rorism Firearm Screening List—

19 “(A) the Attorney General shall—

20 “(i) not later than 7 days after the
 21 prohibition, denial, or revocation, file a pe-
 22 tition to sustain the prohibition, denial, or
 23 revocation in the district court of the
 24 United States for the district in which—

1 “(I) the firearm transfer was at-
2 tempted;

3 “(II) the licensee or permit hold-
4 er is located; or

5 “(III) the applicant for a license
6 or permit is located; and

7 “(ii) submit to the district court of
8 the United States in which the petition de-
9 scribed in clause (i) is filed, the evidence
10 the Attorney General relied upon in deter-
11 mining that the person should be added to
12 Terrorism Firearm Screening List and any
13 exculpatory evidence that the Attorney
14 General possesses or has access to;

15 “(B) the person to whom the prohibition,
16 denial, or revocation applies, shall be entitled
17 to—

18 “(i) a hearing at which the person
19 may be represented by counsel and a final
20 judgment by the district court of the
21 United States not later than 60 days after
22 the date on which the attempted transfer
23 of a firearm occurred or the Attorney Gen-
24 eral denied or revoked a license or permit
25 for firearms or explosive materials; and

1 “(ii) in the case of an appeal of the
2 decision of the district court of the United
3 States, a decision by the reviewing court
4 not later than 90 days after the date on
5 which the district court of the United
6 States issues the decision; and

7 “(C) the district court of the United States
8 in which the petition described in clause (i) is
9 filed—

10 “(i) shall allow the Attorney General,
11 for information the United States has de-
12 termined would likely compromise national
13 security, to submit summaries and re-
14 dacted versions of documents;

15 “(ii) shall review any summaries and
16 redacted versions of documents to ensure
17 that the person to whom the prohibition,
18 denial, or revocation applies is receiving
19 fair and accurate representations of the
20 underlying information and documents;

21 “(iii) shall ensure that any summaries
22 and redacted versions of documents accept-
23 ed into evidence are fair and accurate rep-
24 resentations of the underlying information
25 and documents;

1 “(iv) shall provide copies of any sum-
2 maries and redacted versions of documents
3 to the person to whom the prohibition, de-
4 nial, or revocation applies;

5 “(v) shall not consider the full, undis-
6 closed information or documents in decid-
7 ing whether to sustain the Attorney Gen-
8 eral’s decision to include the person on the
9 Terrorism Firearm Screening List; and

10 “(vi) shall issue an order that the At-
11 torney General’s action prohibiting the
12 transfer of a firearm or denying or revok-
13 ing a license or permit for a firearm or ex-
14 plosive material was not authorized unless
15 the Attorney General demonstrates—

16 “(I) there is probable cause to
17 believe the person is or has been en-
18 gaged in conduct constituting, in
19 preparation for, in aid of, or in sup-
20 port of terrorism, or providing mate-
21 rial support or resources for ter-
22 rorism; and

23 “(II) there is reason to believe
24 the person may use a firearm in con-
25 nection with terrorism.

“(D) RELIEF.—If a person who was subject to a prohibition, denial, or revocation described in this paragraph prevails in a proceeding under this paragraph, including on appeal, the person shall be entitled to all costs, including reasonable attorney’s fees, and the Attorney General shall immediately remove the individual from the Terrorism Firearm Screening List.

“(2) PROCEDURE WITH REGARD TO PERSONS NOT ON THE TERRORISM FIREARM SCREENING LIST.—If the Attorney General prohibits the transfer of a firearm or revocation of a license or permit for firearms or explosive materials under subsection (d) for a person who is not listed on the Terrorism Firearm Screening List, the following procedures shall apply:

“(A) TEMPORARY EX PARTE ORDER PROHIBITING TRANSFER OR SUSTAINING REVOCATION.—

“(i) IN GENERAL.—The Attorney General—

“(I) may deny the firearm transfer or revoke the license or permit for

1 the period described in section
2 922(t)(1)(B)(ii);

3 “(II) shall file an emergency peti-
4 tion to temporarily prohibit the at-
5 tempted transfer or sustain the rev-
6 ocation of a license or permit for 7
7 additional days, with such petition
8 being filed with the Foreign Intel-
9 ligence Surveillance Court or a Fed-
10 eral district court (provided that if the
11 Attorney General files with a Federal
12 district court, the Attorney General
13 can and will comply with all the re-
14 quirements of this paragraph, includ-
15 ing the requirement to submit to the
16 court the information and documents,
17 in unredacted form, that support the
18 Attorney General’s petition); and

19 “(III) as part of the petition de-
20 scribed in subclause (II), shall submit
21 to the court the information and docu-
22 ments, in unredacted form, that sup-
23 port the Attorney General’s petition.

24 “(ii) COURT REQUIREMENTS.—The
25 court shall deny an emergency petition

1 filed by the Attorney General under clause
2 (i) unless the Attorney General dem-
3 onstrates—

4 “(I) there is probable cause to
5 believe the person is or has been en-
6 gaged in conduct constituting, in
7 preparation for, in aid of, or in sup-
8 port of terrorism, or providing mate-
9 rial support or resources for ter-
10 rorism; and

11 “(II) there is reason to believe
12 such person may use a firearm in con-
13 nection with terrorism.

14 “(iii) TRANSFER ALLOWED.—If an
15 order is not issued under this paragraph
16 within the period described in section
17 922(t)(1)(B)(ii), the firearm transfer may
18 proceed or the revocation of the license or
19 permit shall be canceled.

20 “(B) ADVERSARIAL COURT PROCEEDING
21 TO OBTAIN A FINAL ORDER PROHIBITING
22 TRANSFER OF A FIREARM OR REVOKING A LI-
23 CENSE OR PERMIT.—

1 “(i) IN GENERAL.—If the Attorney
2 General wishes to extend an order that is
3 issued under subparagraph (A)(ii)(II)—

4 “(I) the Attorney General shall—

5 “(aa) within 7 days after the
6 order was granted under sub-
7 paragraph (A)(ii)(II), file a peti-
8 tion for a final order prohibiting
9 the transfer of a firearm or sus-
10 taining the revocation of a license
11 or permit, with such petition
12 being filed in the district court of
13 the United States in which the
14 firearm transfer was attempted
15 or the licensee or permit holder is
16 located; and

17 “(bb) submit to the district
18 court of the United States in
19 which the petition described in
20 item (aa) is filed, the evidence
21 supporting the Attorney Gen-
22 eral’s petition and any excul-
23 patory evidence that the Attorney
24 General possesses or has access
25 to;

1 “(II) the person whose attempted
2 firearm transfer was blocked shall be
3 entitled to—

4 “(aa) a hearing at which the
5 person may be represented by
6 counsel and a final judgment by
7 the district court of the United
8 States not later than 60 days
9 after the date on which the at-
10 tempted transfer of a firearm oc-
11 curred or Attorney General re-
12 voked a license or permit for fire-
13 arms or explosive materials; and

14 “(bb) in the case of an ap-
15 peal of the decision of the district
16 court of the United States, a de-
17 cision by the reviewing court not
18 later than 90 days after the date
19 on which the district court of the
20 United States issues the decision;
21 and

22 “(III) the district court of the
23 United States in which the petition
24 described in subclause (I) was filed—

1 “(aa) shall allow the Attor-
2 ney General, for information the
3 United States has determined
4 would likely compromise national
5 security, to submit summaries
6 and redacted versions of docu-
7 ments;

8 “(bb) shall review any sum-
9 maries and redacted versions of
10 documents to ensure that the
11 person to whom the prohibition
12 or revocation applies is receiving
13 fair and accurate representations
14 of the underlying information
15 and documents;

16 “(cc) shall ensure that any
17 summaries and redacted versions
18 of documents accepted into evi-
19 dence are fair and accurate rep-
20 resentations of the underlying in-
21 formation and documents;

22 “(dd) shall provide copies of
23 any summaries and redacted
24 versions of documents to the per-

son to whom the prohibition or
revocation applies;

“(ee) shall not consider the
full, undisclosed information or
documents in deciding whether to
sustain the Attorney General’s
prohibition or revocation; and

“(ff) shall issue an order re-
jecting the Attorney General’s
petition unless the Attorney Gen-
eral demonstrates there is prob-
able cause to believe the person is
or has been engaged in conduct
constituting, in preparation for,
in aid of, or in support of ter-
rorism, or providing material
support or resources for ter-
rorism, and there is reason to be-
lieve such person may use a fire-
arm in connection with terrorism.

“(ii) EFFECT.—The temporary, ex
parte order issued under paragraph (A)
shall remain in effect until the proceeding
under this paragraph is resolved.

1 “(iii) RELIEF.—If a person who was
2 prohibited from participating in the trans-
3 fer of a firearm or had a license or permit
4 for firearms or explosive materials revoked
5 prevails in a proceeding under clause (i),
6 including on appeal, the person shall be en-
7 titled to all costs, including reasonable at-
8 torney’s fees, and the Attorney General
9 shall immediately remove the individual
10 from the Terrorism Firearm Screening
11 List.

12 “(iv) ADDITION TO TERRORISM FIRE-
13 ARM SCREENING LIST.—If the Attorney
14 General prevails in a proceeding under
15 clause (i), including on appeal, the Attor-
16 ney General may add the person to the
17 Terrorism Firearm Screening List.”.

18 (c) TRANSPARENCY.—Not later than 60 days after
19 the date of the enactment of this Act, and quarterly there-
20 after, the Attorney General shall submit to the Committee
21 on the Judiciary and the Select Committee on Intelligence
22 of the Senate and the Committee on the Judiciary and
23 the Permanent Select Committee on Intelligence of the
24 House of Representatives a report providing the following
25 information:

1 (1) The number of persons added to the Ter-
2 rorism Firearm Screening List established under
3 section 922A of title 18, United States Code, as
4 added by this Act, during the reporting period.

5 (2) The number of persons whose names the
6 Attorney General submitted to the Foreign Intel-
7 ligence Surveillance Court pursuant to section
8 922A(b)(2) of title 18, United States Code, as added
9 by this Act, during the reporting period.

10 (3) The number of persons described in para-
11 graph (2) whom the Foreign Intelligence Surveil-
12 lance Court determined, pursuant to section
13 922A(b)(2) of title 18, United States Code, as added
14 by this Act, that there was not—

15 (A) probable cause to believe the person is
16 or has been engaged in conduct constituting, in
17 preparation for, in aid of, or in support of ter-
18 rorism, or providing material support or re-
19 sources for terrorism; or

20 (B) reason to believe the person may use
21 a firearm in connection with terrorism.

22 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) TABLE OF SECTIONS.—The table of sections
24 for chapter 44 of title 18, United States Code, is

1 amended by inserting after the item relating to sec-
 2 tion 922 the following:

“922A. Attorney General’s discretion to prohibit transfer of a firearm and deny
 or revoke a license or permit.”.

3 (2) TECHNICAL AMENDMENTS.—Section 922(t)
 4 of title 18, United States Code, is amended—

5 (A) in paragraph (1)(B), by striking clause
 6 (ii) and inserting the following:

7 “(ii) 3 business days (meaning a day on which
 8 State offices are open) have elapsed since the li-
 9 censee contacted the system; and

10 “(iii) the system has not notified the licensee
 11 that—

12 “(I) the receipt of a firearm by such other
 13 person would violate subsection (g) or (n) of
 14 this section or State law; or

15 “(II) that the transfer has been prohibited
 16 pursuant to section 922A of this title;”;

17 (B) in paragraph (2), in the matter pre-
 18 ceding subparagraph (A), by inserting “, and
 19 the transfer has not been prohibited pursuant
 20 to section 922A of this title” after “or State
 21 law”;

22 (C) in paragraph (3)—

23 (i) in subparagraph (A)(i)—

1 (I) in subclause (I), by striking
2 “and” at the end; and

3 (II) by adding at the end the fol-
4 lowing:

5 “(III) was issued after a check of the sys-
6 tem established pursuant to paragraph (1);”;
7 and

8 (ii) in subparagraph (C)—

9 (I) in clause (ii), by striking
10 “and” at the end;

11 (II) in clause (iii), by striking the
12 period and inserting “; and”; and

13 (III) by adding at the end the
14 following:

15 “(iv) the State issuing the permit agrees to
16 deny the permit application if the applicant is
17 included on the Terrorism Firearm Screening
18 List established by section 922A of this title or
19 to revoke the permit if a court order is entered
20 pursuant to section 922A(e) of this title.”;

21 (D) in paragraph (4), by inserting “, or
22 that the person is prohibited from participating
23 in a firearm transfer pursuant to section 922A
24 of this title” after “or State law”; and

1 (E) in paragraph (5), by inserting “, or
 2 that the person is prohibited from participating
 3 in a firearm transfer pursuant to section 922A
 4 of this title” after “or State law”.

5 (3) UNLAWFUL SALE OR DISPOSITION OF FIRE-
 6 ARM BASED UPON ATTORNEY GENERAL DISCRE-
 7 TIONARY DENIAL.—Section 922(d) of title 18,
 8 United States Code, is amended—

9 (A) in paragraph (8), by striking “or” at
 10 the end;

11 (B) in paragraph (9), by striking the pe-
 12 riod at the end and inserting “; or”; and

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

14 “(10) is prohibited from participating in a fire-
 15 arm transfer pursuant to section 922A of this
 16 title.”.

17 (4) ATTORNEY GENERAL DISCRETIONARY DE-
 18 NIAL AS PROHIBITOR.—Section 922(g) of title 18,
 19 United States Code, is amended—

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

22 (B) in paragraph (9), by striking the
 23 comma at the end and inserting “; or”; and

24 (C) by inserting after paragraph (9) the
 25 following:

1 “(10) who has received actual notice of an
2 order entered by a court pursuant to section
3 922A(e) of this title,”.

4 (5) ATTORNEY GENERAL DISCRETIONARY DE-
5 NIAL OF FEDERAL FIREARMS LICENSES.—Section
6 923(d) of title 18, United States Code, is amended
7 in paragraph (1)—

8 (A) in subparagraph (F), by striking
9 “and” at the end of clause (iii);

10 (B) in subparagraph (G), by striking “de-
11 vice).” and inserting “device); and”; and

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

13 “(H) the applicant is not on the Terrorism
14 Firearm Screening List established by section 922A
15 of this title or subject to an order entered by a court
16 pursuant to section 922A(e) of this title.”.

17 (6) DISCRETIONARY REVOCATION OF FEDERAL
18 FIREARMS LICENSES.—Section 923(e) of title 18,
19 United States Code, is amended—

20 (A) by inserting “(1)” after “(e)”;

21 (B) by striking “revoke any license” and
22 inserting: “revoke—

23 “(A) any license;”;

1 (C) by striking “. The Attorney General
 2 may, after notice and opportunity for hearing,
 3 revoke the license” and inserting the following:

4 “(B) the license; and”; and

5 (D) by striking “. The Secretary’s action”
 6 and inserting “; or

7 “(C) any license issued under this section if the
 8 Attorney General determines that the holder of such
 9 license (including any responsible person) is on the
 10 Terrorism Firearm Screening List established by
 11 section 922A of this title.

12 “(2) The Attorney General’s action”.

13 (7) PROVISION OF GROUNDS UNDERLYING IN-
 14 ELIGIBILITY DETERMINATION BY THE NATIONAL IN-
 15 STANT CRIMINAL BACKGROUND CHECK SYSTEM.—
 16 Section 103 of the Brady Handgun Violence Preven-
 17 tion Act (18 U.S.C. 922 note) is amended—

18 (A) in subsection (f), by striking “date of
 19 the request” and inserting “date of the request,
 20 provided that if the individual is ineligible by
 21 virtue of being included on the Terrorism Fire-
 22 arm Screening List established under section
 23 922A of title 18, United States Code or being
 24 subject to a court order under section 922A(e)
 25 of title 18, United States Code, the system shall

state only that the individual is barred by section 922A of title 18, United States Code.”; and

(B) in subsection (g), in the first sentence, by inserting “or that the individual is prohibited from engaging in a firearm transfer pursuant to section 922A of title 18, United States Code,” after “or State law,”.

(8) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(A) in paragraph (9), by striking the period and inserting “; or”; and

(B) by adding at the end the following:

“(10) who has received actual notice of an order entered by a court pursuant to section 922A(e) of this title.”.

(9) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(A) in paragraph (7), by inserting “; or” at the end; and

(B) by inserting after paragraph (7) the following:

1 “(8) who has received actual notice of an order
2 entered by a court pursuant to section 922A(e) of
3 this title,”.

4 (10) ATTORNEY GENERAL DISCRETIONARY DE-
5 NIAL OF FEDERAL EXPLOSIVES LICENSES AND PER-
6 MITS.—Section 843(b) of title 18, United States
7 Code, is amended—

8 (A) in paragraph (6) by striking “and”;

9 (B) in paragraph (7) by striking “valid.”
10 and inserting “valid; and”; and

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

12 “(8) the applicant is not disqualified pursuant
13 to section 922A of this title.”.

14 (11) ATTORNEY GENERAL DISCRETIONARY REV-
15 OCATION OF FEDERAL EXPLOSIVES LICENSES AND
16 PERMITS.—Section 843(d) of title 18, United States
17 Code, is amended by inserting after “is included on
18 the Terrorism Firearm Screening List established by
19 section 922A of this title or subject to an order en-
20 tered by a district court of the United States pursu-
21 ant to section 922A(e) of this title,” after “this
22 chapter,”.

23 (12) ATTORNEY GENERAL’S ABILITY TO WITH-
24 HOLD INFORMATION IN EXPLOSIVES LICENSE AND
25 PERMIT DENIAL AND REVOCATION SUITS.—Section

1 843(e) of title 18, United States Code, is amended
 2 in paragraph (1), by inserting after the first sen-
 3 tence the following: “However, if the denial or rev-
 4 ocation is based upon the person being disqualified
 5 pursuant to section 922A of this title any informa-
 6 tion which the Attorney General relied on for adding
 7 the person to the Terrorism Firearm Screening List
 8 established by section 922A of this title or obtaining
 9 a court order under section 922A(e) of this title, this
 10 determination may be withheld from the petitioner if
 11 the Attorney General determines that disclosure of
 12 the information would likely compromise national se-
 13 curity.”.

14 (13) ABILITY TO WITHHOLD INFORMATION IN
 15 COMMUNICATIONS TO EMPLOYERS.—Section
 16 843(h)(2) of title 18, United States Code, is amend-
 17 ed—

18 (A) in subparagraph (A), by inserting “or
 19 in subsection (j) of this section (on grounds of
 20 terrorism)” after “section 842(i)”; and

21 (B) in subparagraph (B)—

22 (i) in the matter preceding clause (i),
 23 by inserting “or in subsection (j) of this
 24 section,” after “section 842(i),”; and

1 (ii) in clause (ii), by inserting “, ex-
2 cept that any information that the Attor-
3 ney General relied on for adding the per-
4 son to the Terrorism Firearm Screening
5 List established by section 922A of this
6 title or obtaining a court order under sec-
7 tion 922A(e) of this title may be withheld
8 if the Attorney General concludes that dis-
9 closure of the information would likely
10 compromise national security” after “de-
11 termination”.

○