

AMENDMENTS SUBMITTED AND PROPOSED

SA 716. Mr. ROCKEFELLER (for himself, Mr. COBURN, Mr. JOHANN, Mr. BLUMENTHAL, Mr. HELLER, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table.

SA 717. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 718. Mr. COBURN (for himself, Mr. RUBIO, Mr. JOHNSON of Wisconsin, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 719. Mr. CORNYN (for himself, Mr. VITTER, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 720. Mr. BURR (for himself, Mr. WICKER, Mr. INHOFE, Mr. CRAPO, Mr. RISCH, Mr. COCHRAN, Mr. MORAN, Mr. THUNE, Mr. ROBERTS, Mr. ENZI, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 721. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 722. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 723. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 724. Mr. REID (for Mr. LAUTENBERG (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. COWAN, Mrs. BOXER, Mr. REED, Ms. WARREN, and Mr. BLUMENTHAL)) submitted an amendment intended to be proposed by Mr. REID, of NV to the bill S. 649, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 716. Mr. ROCKEFELLER (for himself, Mr. COBURN, Mr. JOHANN, Mr. BLUMENTHAL, Mr. HELLER, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STUDY; NATIONAL ACADEMY OF SCIENCES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Federal Trade Commission, the Federal Communications Commission, and the Department of Health and Human Services, jointly, shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of—

(1) whether there is a connection between exposure to violent video games and harmful effects on children; and

(2) whether there is a connection between exposure to violent video programming and harmful effects on children.

(b) CONTENTS OF STUDY AND INVESTIGATION.—

(1) VIOLENT VIDEO GAMES.—The study and investigation under subsection (a) shall include—

(A) whether the exposure listed under subsection (a)(1)—

(i) causes children to act aggressively or causes other measurable harm to children;

(ii) has a disproportionately harmful effect on children already prone to aggressive behavior or on other identifiable groups of children; and

(iii) has a harmful effect that is distinguishable from any negative effects produced by other types of media;

(B) whether any harm identified under subparagraph (A)(i) has a direct and long-lasting impact on a child's well-being; and

(C) whether current or emerging characteristics of video games have a unique impact on children, considering in particular video games' interactive nature and the extraordinarily personal and vivid way violence might be portrayed in such video games.

(2) VIOLENT VIDEO PROGRAMMING.—The study and investigation under subsection (a) shall include—

(A) whether the exposure listed under subsection (a)(2)—

(i) causes children to act aggressively or causes other measurable harm to children;

(ii) has a disproportionately harmful effect on children already prone to aggressive behavior or on other identifiable groups of children; and

(iii) has a harmful effect that is distinguishable from any negative effects produced by other types of media; and

(B) whether any harm identified under subparagraph (A)(i) has a direct and long-lasting impact on a child's well-being.

(3) FUTURE RESEARCH.—The study and investigation under subsection (a) shall identify gaps in the current state of research which, if closed, could provide additional information regarding any causal connection—

(A) between exposure to violent video games and behavior; and

(B) between exposure to violent video programming and behavior.

(c) REPORT.—In entering into any arrangements with the National Academy of Sciences for conducting the study and investigation under this section, the Federal Trade Commission, the Federal Communications Commission, and the Department of Health and Human Services shall request the National Academy of Sciences to submit, not later than 15 months after the date on which such arrangements are completed, a report on the results of the study and investigation to—

- (1) Congress;
- (2) the Federal Trade Commission;
- (3) the Federal Communications Commission; and
- (4) the Department of Health and Human Services.

SA 717. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROTECTING THE PRIVACY AND SAFETY OF LAW-ABIDING GUN OWNERS.

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by adding at the end the following:

“(1) PROTECTING THE PRIVACY OF LAW-ABIDING GUN OWNERS.—

“(1) DEFINITION.—In this subsection, the term ‘private gun ownership data’ means information held by a State or unit of local government that concerns—

“(A) a license or permit of an individual to purchase, possess, or carry a firearm;

“(B) a license or permit of an individual relating to ammunition; or

“(C) the location of an individual gun owner.

“(2) WITHHOLDING FUNDS FOR NONCOMPLIANCE.—

“(A) IN GENERAL.—Subject to subparagraph (B), and notwithstanding any other provision of this part, if a State or unit of local government receiving a grant under this part publicly releases private gun ownership data during any fiscal year, the Attorney General shall withhold 5 percent of the amount that would otherwise be provided to the State or unit of local government under this part for that fiscal year.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any release of private gun ownership data that is necessary in the course of—

“(i) a bonafide criminal investigation; or

“(ii) a trial, hearing, or other proceeding of any court, board, commission, or agency.

“(3) REDISTRIBUTION OF WITHHELD FUNDS.—On the first day of the first fiscal year after a fiscal year in which amounts were withheld from a State or unit of local government under paragraph (2), such amounts shall be made available to States and units of local government that do not publicly release private gun ownership data.”.

SA 718. Mr. COBURN (for himself, Mr. RUBIO, Mr. JOHNSON of Wisconsin, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ANNUAL REPORT ON AMMUNITION.

(a) DEFINITION.—In this section, the term “agency” has the meaning given the term in section 551 of title 5, United States Code.

(b) ANNUAL REPORT.—Except as provided in subsection (c), not later than December 31, 2013, and before each December 31 thereafter, each agency shall submit to Congress a report on—

(1) the number of firearms and types of firearms purchased or otherwise acquired by the agency during the previous fiscal year;

(2) the number of rounds of ammunition and the type of ammunition purchased by the agency during the previous fiscal year;

(3) the number of firearms owned by the agency that were stolen, lost, or unaccounted for during the previous fiscal year; and

(4) the number of firearms possessed by the agency at the end of the previous fiscal year.

(c) NATIONAL SECURITY EXCEPTION.—Subsection (b) shall not apply to the Department of Defense or the Central Intelligence Agency, if the Secretary of Defense or the Director of the Central Intelligence Agency—

(1) submits to Congress a detailed explanation of why reporting of the information described in subsection (b) would harm national security; and

(2) upon request, makes the information described in subsection (b) available to the relevant congressional oversight committees in a classified format.

SA 719. Mr. CORNYN (for himself, Mr. VITTER, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONSTITUTIONAL CONCEALED CARRY RECIPROCITY ACT OF 2013.

(a) **SHORT TITLE.**—This section may be cited as the “Constitutional Concealed Carry Reciprocity Act of 2013”.

(b) **RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.**—

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

“§ 926D. Reciprocity for the carrying of certain concealed firearms

“(a) **IN GENERAL.**—Notwithstanding any provision of the law of any State or political subdivision thereof to the contrary—

“(1) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the individual to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes; and

“(2) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled and not prohibited from carrying a concealed firearm in the State in which the individual resides otherwise than as described in paragraph (1), may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

“(b) **CONDITIONS AND LIMITATIONS.**—The possession or carrying of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry, imposed by or under Federal or State law or the law of a political subdivision of a

State, that apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

“(c) **UNRESTRICTED LICENSE OR PERMIT.**—In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, an individual carrying a concealed handgun under this section shall be permitted to carry a concealed handgun according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.”.

(2) **CLERICAL AMENDMENT.**—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

(3) **SEVERABILITY.**—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(4) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

SA 720. Mr. BURR (for himself, Mr. WICKER, Mr. INHOFE, Mr. CRAPO, Mr. RISCH, Mr. COCHRAN, Mr. MORAN, Mr. THUNE, Mr. ROBERTS, Mr. ENZI, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

SEC. 114. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.

(a) **IN GENERAL.**—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

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

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”.

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

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

SA 721. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTION OF PROSECUTORS, JUDGES, LAW ENFORCEMENT OFFICERS, AND THEIR FAMILIES.

(a) **SHORT TITLE.**—This section may be cited as the “Line of Duty Act of 2013”.

(b) **PROTECTION FOR PROSECUTORS AND JUDGES.**—

(1) **MODIFICATIONS TO THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM.**—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(A) in paragraph (16), by striking “and” at the end;

(B) by redesignating paragraph (17) as paragraph (18);

(C) by inserting after paragraph (16) the following:

“(18) to train and provide security details for prosecutors and judges, including their immediate families, involved in cases that raise substantial concerns of retaliation or intimidation through violent acts; and”; and

(D) in paragraph (18), as so redesignated, by striking “(16)” and inserting “(17)”.

(2) **MODIFICATIONS TO THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.**—Section 501(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)) is amended by adding at the end the following:

“(H) Prosecutorial and judicial security details and programs.”.

(c) **JUSTICE FOR PROSECUTORS, JUDGES, LAW ENFORCEMENT OFFICERS, AND THEIR FAMILIES.**—

(1) **KILLING OF PROSECUTORS, JUDGES, AND LAW ENFORCEMENT OFFICERS.**—

(A) **OFFENSE.**—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

“§ 1123. Killing of federally funded prosecutors, judges, and law enforcement officers

“(a) **DEFINITIONS.**—In this section—

“(1) the terms ‘Federal law enforcement officer’ and ‘United States judge’ have the meanings given those terms in section 115;

“(2) the term ‘federally funded public safety officer’ means a public safety officer or judicial officer for a public agency that—

“(A) receives Federal financial assistance; and

“(B) is an agency of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity;

“(3) the term ‘firefighter’ includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew;

“(4) the term ‘judicial officer’ means a judge or other officer or employee of a court,

including prosecutors, court security, pre-trial services officers, court reporters, and corrections, probation, and parole officers;

“(5) the term ‘law enforcement officer’ means an individual, with arrest powers, involved in crime or juvenile delinquency control or reduction or enforcement of the laws;

“(6) the term ‘public agency’ includes a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32; and

“(7) the term ‘public safety officer’ means an individual serving a public agency in an official capacity, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew.

“(b) OFFENSE.—It shall be unlawful for any person to—

“(1) kill, or attempt or conspire to kill—

“(A) a United States judge;

“(B) a Federal law enforcement officer; or

“(C) a federally funded public safety officer while that officer is engaged in official duties, or on account of the performance of official duties; or

“(2) kill a former United States judge, Federal law enforcement officer, or federally funded public safety officer on account of the past performance of official duties.

“(c) PENALTY.—Any person that violates subsection (b) shall be fined under this title and imprisoned for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, may be sentenced to death.”.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 51 of title 18, United States Code, is amended by adding at the end the following:

“1123. Killing of federally funded prosecutors, judges, and law enforcement officers.”.

(2) FUGITIVES FROM JUSTICE.—

(A) OFFENSE.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“§ 1075. Flight to avoid prosecution for killing prosecutors, judges, and law enforcement officials

“(a) OFFENSE.—It shall be unlawful for any person to move or travel in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill a Federal judge or Federal law enforcement officer (as those terms are defined in section 115), or a federally funded public safety officer (as that term is defined in section 1123).

“(b) PENALTY.—Any person that violates subsection (a) shall be fined under this title and imprisoned for any term of years not less than 10, in addition to any other term of imprisonment for any other offense relating to the conduct described in subsection (a).”.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“1075. Flight to avoid prosecution for killing prosecutors, judges, and law enforcement officials.”.

(3) AGGRAVATING FACTORS FOR HOMICIDE.—Section 3592(c) of title 18, United States Code, is amended by inserting after paragraph (16) the following:

“(17) KILLING OF A PROSECUTOR, JUDGE, LAW ENFORCEMENT OFFICER, OR FIRST RESPONDER.—The defendant killed or attempted to kill a person who is authorized by law—

“(A) to engage in or supervise the prevention, detention, or investigation of any criminal violation of law;

“(B) to arrest, prosecute, or adjudicate an individual for any criminal violation of law; or

“(C) to be a firefighter or other first responder.”.

(4) FEDERAL REVIEW OF STATE CONVICTION FOR MURDER OF A LAW ENFORCEMENT OFFICER OR JUDGE.—

(A) IN GENERAL.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j)(1) For an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)) or judge, while the public safety officer or judge was engaged in the performance of official duties, or on account of the performance of official duties by or status as a public safety officer or judge of the public safety officer or judge—

“(A) the application shall be subject to the time limitations and other requirements under sections 2263, 2264, and 2266; and

“(B) the court shall not consider claims relating to sentencing that were adjudicated in a State court.

“(2) Sections 2251, 2262, and 2101 are the exclusive sources of authority for Federal courts to stay a sentence of death entered by a State court in a case described in paragraph (1).”.

(B) RULES.—Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts is amended by adding at the end the following: “Rule 60(b)(6) of the Federal Rules of Civil Procedure shall not apply to a proceeding under these rules in a case that is described in section 2254(j) of title 28, United States Code.”.

(C) FINALITY OF DETERMINATION.—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking “the subject of a petition” and all that follows and inserting: “reheard in the court of appeals or reviewed by writ of certiorari.”.

(D) EFFECTIVE DATE AND APPLICABILITY.—

(i) IN GENERAL.—This paragraph and the amendments made by this paragraph shall apply to any case pending on or after the date of enactment of this Act.

(ii) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this paragraph impose a time limit for taking certain action, the period of which began before the date of enactment of this Act, the period of such time limit shall begin on the date of enactment of this Act.

(iii) EXCEPTION.—The amendments made by this paragraph shall not bar consideration under section 2266(b)(3)(B) of title 28, United States Code, of an amendment to an application for a writ of habeas corpus that is pending on the date of enactment of this Act, if the amendment to the petition was adjudicated by the court prior to the date of enactment of this Act.

(5) SPECIAL PENALTIES FOR ASSAULTING A FEDERAL PROSECUTOR, JUDGE, OR LAW ENFORCEMENT OFFICER.—

(A) IN GENERAL.—Section 111 of title 18, United States Code, is amended to read as follows:

“§ 111. Assaulting or interfering with certain officers or employees

“(a) OFFICERS AND EMPLOYEES.—

“(1) IN GENERAL.—It shall be unlawful for any person to—

“(A) assault or interfere with an officer or employee described in section 1114, while such officer or employee is engaged in, or on

account of the performance of, official duties;

“(B) assault or interfere with an individual who formerly served as an officer or employee described in section 1114 on account of the performance of official duties; or

“(C) assault or interfere with an individual on account of the current or former status of the individual as an officer or employee described in section 1114.

“(2) PENALTY.—Any person who violates paragraph (1), shall be—

“(A) fined under this title;

“(B)(i) in the case of an interference or a simple assault, imprisoned for not more than 1 year;

“(ii) in the case of an assault involving actual physical contact or the intent to commit any other felony, imprisoned for not more than 10 years;

“(iii) in the case of an assault resulting in bodily injury, imprisoned for not more than 20 years; or

“(iv) in the case of an assault resulting in substantial bodily injury (as that term is defined in section 113), or if a dangerous weapon was used or possessed during and in relation to the offense (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component), imprisoned for not more than 30 years; or

“(C) fined under subparagraph (A) and imprisoned under subparagraph (B).

“(b) LAW ENFORCEMENT OFFICERS AND JUDGES.—

“(1) IN GENERAL.—

“(A) SUBSTANTIAL BODILY INJURY.—If the victim of an assault punishable under this section is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115) and the assault resulted in substantial bodily injury (as that term is defined in section 113), the offender shall be punished by a fine under this title and imprisonment for not less 5 years nor more than 30 years; and

“(B) SERIOUS BODILY INJURY.—If the victim of an assault punishable under this section is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115) and the assault resulted in serious bodily injury (as that term is defined in section 2119(2)), or a dangerous weapon was used or possessed during and in relation to the offense, the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 10 or for life.

“(2) IMPOSITION OF PUNISHMENT.—Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 18, United States Code, is amended by striking the item relating to section 111 and inserting the following:

“111. Assaulting or interfering with certain officers or employees.”.

(6) SPECIAL PENALTIES FOR RETALIATING AGAINST A FEDERAL PROSECUTOR, JUDGE, OR LAW ENFORCEMENT OFFICER BY MURDERING OR ASSAULTING A FAMILY MEMBER.—

(A) IN GENERAL.—Section 115 of title 18, United States Code, is amended—

(i) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(ii) by inserting after subsection (b) the following:

“(c)(1) If an offense punishable under this section is committed with the intent to impede, intimidate, or interfere with a Federal law enforcement officer or a United States judge while that officer or judge is engaged in the performance of official duties, with

the intent to retaliate against that officer or judge or a person who formerly served as such an officer or judge on account of the performance of official duties, or with the intent to retaliate against an individual on account of the current or former status of the individual as such an officer or judge, the offender shall be punished—

“(A) in the case of murder, attempted murder, conspiracy to murder, or manslaughter, as provided in section 1114(1);

“(B) in the case of kidnapping, attempted kidnapping, or conspiracy to kidnap, as provided in section 1201(a);

“(C) in the case of an assault resulting in bodily injury or involving the use or possession of a dangerous weapon during and in relation to the offense, as provided for a comparable offense against a Federal law enforcement officer or United States judge under section 111; and

“(D) in the case of any other assault or threat, by a fine under this title and imprisonment for not more than 10 years.

“(2) Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) Section 119(b)(4) of title 18, United States Code, is amended by striking “section 115(c)(2)” and inserting “section 115”.

(ii) Section 2237(e)(1) of title 18, United States Code, is amended by striking “in section 115(c)” and inserting “in section 115”.

(iii) Section 5(a) of the Act entitled “An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes” (25 U.S.C. 305d) is amended by striking “in section 115(c)” and inserting “in section 115”.

(d) SELF-DEFENSE RIGHTS FOR PROSECUTORS, JUDGES, AND LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3053 the following:

“§ 3054. Authority of judges, prosecutors, and law enforcement officers to carry firearms

“Subject to such regulations as the Attorney General shall prescribe regarding training and proficiency in the use of firearms, any officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution, or adjudication of any violation of law may carry firearms. Such authority to carry firearms shall extend, but not be limited to presence within any building or structure classified as a Federal facility or Federal court facility, as those terms are defined under section 930, and any grounds appurtenant to such a facility, where such possession is otherwise authorized by law and incident to the lawful performance of the official duties of that person.”.

(2) CARRYING OF CONCEALED FIREARMS BY QUALIFIED LAW ENFORCEMENT OFFICERS.—Section 926B(e)(2) of title 18, United States Code, is amended by inserting “any magazine and” after “includes”.

(3) CARRYING OF CONCEALED FIREARMS BY QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C(e)(1)(B) of title 18, United States Code, is amended by inserting “any magazine and” after “includes”.

(4) SCHOOL ZONES.—Section 922(q)(2)(B)(vi) title 18, United States Code, is amended by inserting “, a qualified law enforcement officer (as defined in section 926B(c)), or a qualified retired law enforcement officer (as defined in section 926C(c))” before the semicolon.

(5) REGULATIONS REQUIRED.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall promulgate regulations allowing persons described in section 3054 of title 18, United States Code, to possess firearms in a manner described by that section. With respect to Federal justices, judges, bankruptcy judges, and magistrate judges, such regulations shall be prescribed after consultation with the Judicial Conference of the United States.

(6) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3053 the following:

“3054. Authority of judges, prosecutors, and law enforcement officers to carry firearms.”.

(e) LIMITATION ON DAMAGES INCURRED DURING COMMISSION OF A FELONY OR CRIME OF VIOLENCE.—

(1) IN GENERAL.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by—

(A) striking “except that in any action” and all that follows through “relief was unavailable.” and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable; and

“(2) in any action seeking redress for any deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), a court may not award damages other than for necessary out-of-pocket expenditures and other monetary loss.”; and

(B) indenting the last sentence as an undesignated paragraph.

(2) ATTORNEY'S FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by striking “except that in any action” and all that follows and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, such officer shall not be held liable for any costs, including attorneys fees, unless such action was clearly in excess of the jurisdiction of that officer; and

“(2) in any action seeking redress for any deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney's fees.”.

(f) SELF-DEFENSE RIGHTS FOR FEDERAL CORRECTIONAL WORKERS.—

(1) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

“§ 4049. Secure firearms storage for Federal correctional workers

“The Director of the Bureau of Prisons shall ensure that each Federal penal or correctional institution provides a secure firearms storage area for use by all persons employed by the Bureau of Prisons at the institution who are authorized to carry a firearm,

or allow such persons to store firearms in a vehicle lockbox approved by the Director.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

“4049. Secure firearms storage for Federal correctional workers.”.

SA 722. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . HEALTH CARE SAFETY NET ENHANCEMENT.

(a) CONSTITUTIONAL AUTHORITY.—The constitutional authority upon which this section rests is the power of the Congress to provide for the general welfare, to regulate commerce, and to make all laws which shall be necessary and proper for carrying into execution Federal powers, as enumerated in section 8 of article I of the Constitution of the United States.

(b) PROTECTION FOR EMERGENCY AND RELATED SERVICES FURNISHED PURSUANT TO EMTALA.—Section 224(g) of the Public Health Service Act (42 U.S.C. 233(g)) is amended—

(1) in paragraph (4), by striking “An entity” and inserting “Subject to paragraph (6), an entity”; and

(2) by adding at the end the following:

“(6)(A) For purposes of this section—

“(i) an entity described in subparagraph (B) shall be considered to be an entity described in paragraph (4); and

“(ii) the provisions of this section shall apply to an entity described in subparagraph (B) in the same manner as such provisions apply to an entity described in paragraph (4), except that—

“(I) notwithstanding paragraph (1)(B), the deeming of any entity described in subparagraph (B), or of an officer, governing board member, employee, contractor, or on-call provider of such an entity, to be an employee of the Public Health Service for purposes of this section shall apply only with respect to items and services that are furnished to an individual pursuant to section 1867 of the Social Security Act and to post stabilization services (as defined in subparagraph (D)) furnished to such an individual;

“(II) nothing in paragraph (1)(D) shall be construed as preventing a physician or physician group described in subparagraph (B)(ii) from making the application referred to in such paragraph or as conditioning the deeming of a physician or physician group that makes such an application upon receipt by the Secretary of an application from the hospital or emergency department that employs or contracts with the physician or group, or enlists the physician or physician group as an on-call provider;

“(III) notwithstanding paragraph (3), this paragraph shall apply only with respect to causes of action arising from acts or omissions that occur on or after January 1, 2014;

“(IV) paragraph (5) shall not apply to a physician or physician group described in subparagraph (B)(ii);

“(V) the Attorney General, in consultation with the Secretary, shall make separate estimates under subsection (k)(1) with respect to entities described in subparagraph (B) and entities described in paragraph (4) (other

than those described in subparagraph (B)), and the Secretary shall establish separate funds under subsection (k)(2) with respect to such groups of entities, and any appropriations under this subsection for entities described in subparagraph (B) shall be separate from the amounts authorized by subsection (k)(2);

“(VI) notwithstanding subsection (k)(2), the amount of the fund established by the Secretary under such subsection with respect to entities described in subparagraph (B) may exceed a total of \$10,000,000 for a fiscal year; and

“(VII) subsection (m) shall not apply to entities described in subparagraph (B).

“(B) An entity described in this subparagraph is—

“(i) a hospital or an emergency department to which section 1867 of the Social Security Act applies; and

“(ii) a physician or physician group that is employed by, is under contract with, or is an on-call provider of such hospital or emergency department, to furnish items and services to individuals under such section.

“(C) For purposes of this paragraph, the term ‘on-call provider’ means a physician or physician group that—

“(i) has full, temporary, or locum tenens staff privileges at a hospital or emergency department to which section 1867 of the Social Security Act applies; and

“(ii) is not employed by or under contract with such hospital or emergency department, but agrees to be ready and available to provide services pursuant to section 1867 of the Social Security Act or post-stabilization services to individuals being treated in the hospital or emergency department with or without compensation from the hospital or emergency department.

“(D) For purposes of this paragraph, the term ‘post stabilization services’ means, with respect to an individual who has been treated by an entity described in subparagraph (B) for purposes of complying with section 1867 of the Social Security Act, services that are—

“(i) related to the condition that was so treated; and

“(ii) provided after the individual is stabilized in order to maintain the stabilized condition or to improve or resolve the condition of the individual.

“(E)(i) Nothing in this paragraph (or in any other provision of this section as such provision applies to entities described in subparagraph (B) by operation of subparagraph (A)) shall be construed as authorizing or requiring the Secretary to make payments to such entities, the budget authority for which is not provided in advance by appropriation Acts.

“(ii) The Secretary shall limit the total amount of payments under this paragraph for a fiscal year to the total amount appropriated in advance by appropriation Acts for such purpose for such fiscal year. If the total amount of payments that would otherwise be made under this paragraph for a fiscal year exceeds such total amount appropriated, the Secretary shall take such steps as may be necessary to ensure that the total amount of payments under this paragraph for such fiscal year does not exceed such total amount appropriated.”

SA 723. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . BACKGROUND CHECKS FOR INDIVIDUALS WITH CONCEALED CARRY PERMITS.

(a) **FINDING.**—Congress finds that background checks under the national instant criminal background check system have proven to produce false positive results for individuals with similar names.

(b) **CONCEAL CARRY PERMITS.**—Section 922(s) of title 18, United States Code, as redesignated and amended by this Act, is amended—

(1) in paragraph (1)(A), by inserting “is provided a covered conceal carry permit or license of such other person or” after “the licensee”; and

(2) by adding at the end the following:

“(8) In this subsection, the term ‘covered conceal carry permit or license’ means a permit or license issued by a State—

“(A) that authorizes an individual to carry a concealed firearm;

“(B) after conducting a criminal background check; and

“(C) not more than 5 years before the date of the applicable transfer.”

SA 724. Mr. REID (for Mr. LAUTENBERG (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. COWAN, Mrs. BOXER, Mr. REED, Ms. WARREN, and Mr. BLUMENTHAL)) submitted an amendment intended to be proposed by Mr. Reid of NV to the bill 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—DENYING FIREARMS AND EXPLOSIVES TO DANGEROUS TERRORISTS

SECTION 401. SHORT TITLE.

This title may be cited as the “Denying Firearms and Explosives to Dangerous Terrorists Act of 2013”.

SEC. 402. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) **STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.**—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

“§ 922A. Attorney General’s discretion to deny transfer of a firearm.

“The Attorney General may deny the transfer of a firearm under section 922(s)(1)(B)(ii) of this title if the Attorney General—

“(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

“§ 922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(s)(3).

“The Attorney General may determine that—

“(1) an applicant for a firearm permit which would qualify for an exemption under section 922(s) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”;

(2) in section 921(a), by adding at the end the following:

“(36) The term ‘terrorism’ includes international terrorism and domestic terrorism, as defined in section 2331 of this title.

“(37) The term ‘material support or resources’ has the meaning given the term in section 2339A of this title.

“(38) The term ‘responsible person’ means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.”; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

“922A. Attorney General’s discretion to deny transfer of a firearm.

“922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(s)(3).”.

(b) **EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.**—Section 922(s) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting “or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

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

(II) by adding at the end the following:

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

(ii) in clause (ii), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;”;

(4) in paragraph (4), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”; and

(5) in paragraph (5), by inserting “, or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”.

(c) **UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.**—Section 922(d) of title 18, United States Code, as amended by this Act, is amended—

(1) in paragraph (10), by striking “or” at the end;

(2) in paragraph (11), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(12) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.”.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

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

(3) by inserting after paragraph (9) the following:

“(10) who has received actual notice of the Attorney General’s determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title.”.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “Any” and inserting “Except as provided in paragraph (3), any”; and

(2) by adding at the end the following:

“(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

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

(1) by inserting “(1)” after “(e)”; and

(2) by striking “revoke any license” and inserting the following: “revoke—

“(A) any license”;

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

“(B) the license”; and

(4) by striking “. The Secretary’s action” and inserting the following: “; or

“(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

“(2) The Attorney General’s action”.

(g) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: “However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.”.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: “With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney

General has determined would likely compromise national security.”.

(h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: “If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(i) PENALTIES.—Section 924(k)(1) of title 18, United States Code, as amended by this Act, is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by striking the comma at the end and inserting “; or”; and

(3) by inserting after subparagraph (C) the following:

“(D) constitutes an act of terrorism, or providing material support or resources for terrorism.”.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking “**Remedy for erroneous denial of firearm**” and inserting “**Remedies**”; and

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

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

(C) by adding at the end the following:

“(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General’s determination under section 922A or 922B of this title. The court shall sustain the Attorney General’s determination upon a showing by the United States by a preponderance of evidence that the Attorney General’s determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court’s own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General’s determination satisfies the requirements of section 922A or 922B.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by

striking the item relating to section 925A and inserting the following:

“925A. Remedies.”.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting “or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,” after “is ineligible to receive a firearm”; and

(B) by inserting “except any information for which the Attorney General has determined that disclosure would likely compromise national security,” after “reasons to the individual,”; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting “or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,” after “or State law.”; and

(ii) by inserting “, except any information for which the Attorney General has determined that disclosure would likely compromise national security” before the period at the end; and

(B) by adding at the end the following:

“Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.”.

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

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

(2) by adding at the end the following:

“(10) has received actual notice of the Attorney General’s determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.”.

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

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

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

“(8) who has received actual notice of the Attorney General’s determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.”.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “Upon” and inserting “Except as provided in subsection (j), upon”; and

(2) by adding at the end the following:

“(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.”.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(d)”; and

(2) by striking “if in the opinion” and inserting the following: “if—

“(A) in the opinion”; and

(3) by striking “. The Secretary’s action” and inserting the following: “; or

“(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

“(2) The Attorney General’s action”.

(p) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: “However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.”; and

(2) in paragraph (2), by adding at the end the following: “In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

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

(2) in subparagraph (B)—

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

(B) in clause (ii), by inserting “, except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security” after “determination”.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking “or (5)” and inserting “(5), or (10)”.

(s) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this title.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this title, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlined in Homeland Security Presidential Directive 11 (dated August 27, 2004).

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Senate Committee on Energy and Natural Resources. The business meeting will be held on Thursday, April 18, 2013, at 9:45 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider the nomination of Dr. Ernest Moniz to be the Secretary of Energy.

For further information, please contact Sam Fowler at (202) 224-7571 or Abigail Campbell at (202) 224-4905.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 18, 2013, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the U.S. Department of Energy’s budget for fiscal year 2014.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to lauren.goldschmidt@energy.senate.gov.

For further information, please contact Abigail Campbell at (202) 224-4905 or Lauren Goldschmidt at (202) 224-5488.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on April 16, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 16, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, “Aviation Safety: FAA’s Progress on Key Safety Initiatives.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask for unanimous consent that the Com-

mittee on Energy and Natural Resources be authorized to meet during the session of the Senate on April 16, 2013, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing April 16, 2013, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 16, 2013, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tax Fraud and Tax ID Theft: Moving Forward with Solutions.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 16, 2013, at 9:45 a.m., to hold an Africa Affairs subcommittee hearing entitled, “Examining Ongoing Conflict in Eastern Congo.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 16, 2013, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “The Challenge of College Affordability: The Student Lens” on April 16, 2013, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 16, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition