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(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R. _____

To provide for greater safety in the use of firearms.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To provide for greater safety in the use of firearms.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “NRA Members’ Gun
5 Safety Act of 2012”.

1 **TITLE I—REQUIRING A BACK-**
2 **GROUND CHECK FOR EVERY**
3 **FIREARM SALE**

4 **SEC. 101. PURPOSE.**

5 The purpose of this title is to extend the Brady Law
6 background check procedures to all sales and transfers of
7 firearms.

8 **SEC. 102. FIREARMS TRANSFERS.**

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

12 **“§ 932. Background checks for firearm transfers by**
13 **unlicensed persons**

14 “(a) DEFINITIONS.—In this section—

15 “(1) the term ‘unlicensed transferee’ means a
16 person who—

17 “(A) is not licensed under this chapter;
18 and

19 “(B) desires to receive a firearm from an
20 unlicensed transferor; and

21 “(2) the term ‘unlicensed transferor’ means a
22 person who—

23 “(A) is not licensed under this chapter;
24 and

1 “(B) desires to transfer a firearm to an
2 unlicensed transferee.

3 “(b) RESPONSIBILITIES OF TRANSFERORS OTHER
4 THAN LICENSEES.—

5 “(1) IN GENERAL.—It shall be unlawful for an
6 unlicensed transferor to transfer a firearm to an un-
7 licensed transferee, unless the firearm is trans-
8 ferred—

9 “(A)(i) through a licensed dealer under
10 subsection (d);

11 “(ii) through a law enforcement agency
12 under subsection (e);

13 “(iii) after inspecting a permit that con-
14 firms a background check under subsection (f);
15 or

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

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

19 “(2) CRIMINAL BACKGROUND CHECKS.—Except
20 as provided in subsection (g), an unlicensed trans-
21 feror—

22 “(A) subject to subparagraph (B), may not
23 transfer a firearm to an unlicensed transferee
24 until—

1 “(i) the licensed dealer through which
2 the transfer is made under subsection (d)
3 makes a notification described in sub-
4 subsection (d)(3)(A);

5 “(ii) the law enforcement agency
6 through which the transfer is made under
7 subsection (e) makes a notification de-
8 scribed in subsection (e)(4)(A); or

9 “(iii) the unlicensed transferee has
10 presented a permit that confirms that a
11 background check has been conducted, as
12 described in subsection (f); and

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

15 “(i) the licensed dealer through which
16 the transfer is made under subsection (d)
17 makes the notification described in sub-
18 subsection (d)(3)(B); or

19 “(ii) the law enforcement agency
20 through which the transfer is made under
21 subsection (e) makes the notification de-
22 scribed in subsection (e)(3)(B).

23 “(3) ABSENCE OF RECORDKEEPING REQUIRE-
24 MENTS.—Nothing in this section shall permit or au-

1 thorize the Attorney General to impose record-
2 keeping requirements on any unlicensed transferor.

3 “(c) RESPONSIBILITIES OF TRANSFEREES OTHER
4 THAN LICENSEES.—

5 “(1) IN GENERAL.—It shall be unlawful for an
6 unlicensed transferee to receive a firearm from an
7 unlicensed transferor, unless the firearm is trans-
8 ferred—

9 “(A)(i) through a licensed dealer under
10 subsection (d);

11 “(ii) through a law enforcement agency
12 under subsection (e);

13 “(iii) after inspecting a permit that con-
14 firms a background check in accordance with
15 subsection (f); or

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

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

19 “(2) CRIMINAL BACKGROUND CHECKS.—Except
20 as provided in subsection (g), an unlicensed trans-
21 feree—

22 “(A) subject to subparagraph (B), may not
23 receive a firearm from an unlicensed transferor
24 until—

1 “(i) the licensed dealer through which
2 the transfer is made under subsection (d)
3 makes a notification described in sub-
4 section (d)(3)(A);

5 “(ii) the law enforcement agency
6 through which the transfer is made under
7 subsection (e) makes a notification de-
8 scribed in subsection (e)(4)(A); or

9 “(iii) the unlicensed transferee has
10 presented a permit that confirms that a
11 background check described in subsection
12 (f) has been conducted; and

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

15 “(i) the licensed dealer through which
16 the transfer is made under subsection (d)
17 makes a notification described in sub-
18 section (d)(3)(B); or

19 “(ii) the law enforcement agency
20 through which the transfer is made under
21 subsection (e) makes a notification de-
22 scribed in subsection (e)(4)(B).

23 “(d) BACKGROUND CHECKS THROUGH LICENSED
24 DEALERS.—A licensed dealer who agrees to assist in the

1 transfer of a firearm between unlicensed transferor and
2 an unlicensed transferee shall—

3 “(1) enter such information about the firearm
4 as the Attorney General may require by regulation
5 into a separate bound record;

6 “(2) record the transfer on a form specified by
7 the Attorney General;

8 “(3) comply with section 922(t) as if transfer-
9 ring the firearm from the inventory of the licensed
10 dealer to the unlicensed transferee (except that a li-
11 censed dealer assisting in the transfer of a firearm
12 under this subsection shall not be required to comply
13 again with the requirements of section 922(t) in de-
14 livering the firearm to the unlicensed transferee) and
15 notify the unlicensed transferor and unlicensed
16 transferee—

17 “(A) of such compliance; and

18 “(B) if the transfer is subject to the re-
19 quirements of section 922(t)(1), of any receipt
20 by the licensed dealer of a notification from the
21 national instant criminal background check sys-
22 tem that the transfer would violate section 922
23 or State law;

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

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

6 “(B) shall not include the name of or other
7 identifying information relating to the unli-
8 censed transferor or unlicensed transferee;

9 “(5) if the licensed dealer assists an unlicensed
10 transferor in transferring, at the same time or dur-
11 ing any 5 consecutive business days, 2 or more pis-
12 tols or revolvers, or any combination of pistols and
13 revolvers totaling 2 or more, to the same unlicensed
14 transferee, in addition to the reports required under
15 paragraph (4), prepare a report of the multiple
16 transfers, which shall—

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

19 “(B) not later than the close of business
20 on the date on which the transfer requiring the
21 report under this paragraph occurs, be sub-
22 mitted to—

23 “(i) the office specified on the form
24 described in subparagraph (A); and

1 “(ii) the appropriate State law en-
2 forcement agency of the jurisdiction in
3 which the transfer occurs; and

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

7 “(e) BACKGROUND CHECKS THROUGH LAW EN-
8 FORCEMENT AGENCIES.—A State or local law enforce-
9 ment agency that agrees to assist an unlicensed transferor
10 in carrying out the responsibilities of the unlicensed trans-
11 feror under subsection (b) with respect to the transfer of
12 a firearm shall—

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

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

17 “(ii) wait the period described in
18 922(t)(1)(B)(ii);

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

23 “(3) verify the identity of the unlicensed trans-
24 feree by—

1 “(A) examining a valid identification docu-
2 ment (as defined in section 1028(d)) of the un-
3 licensed transferee containing a photograph of
4 the unlicensed transferee; or

5 “(B) confirming that the unlicensed trans-
6 feror has examined a valid identification docu-
7 ment described in subparagraph (A);

8 “(4) notify the unlicensed transferor and trans-
9 feree—

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

13 “(B) of any receipt by the law enforcement
14 agency of a notification from the national in-
15 stant criminal background check system or
16 other information that the transfer would vio-
17 late section 922 or would violate State law;

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

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

23 “(B) shall not include the name of or other
24 identifying information relating to the unli-
25 censed transferor or unlicensed transferee;

1 “(6) if the law enforcement agency assists an
2 unlicensed transferor in transferring, at the same
3 time or during any 5 consecutive business days, 2 or
4 more pistols or revolvers, or any combination of pis-
5 tols and revolvers totaling 2 or more, to the same
6 unlicensed transferee, in addition to the reports re-
7 quired under paragraph (5), prepare a report of the
8 multiple transfers, which shall be—

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

11 “(B) not later 24 hours after the transfer
12 requiring the report under this paragraph oc-
13 curs, submitted to—

14 “(i) the office specified on the form
15 described in subparagraph (A); and

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

19 “(7) maintain records of the transfer at such
20 place, and in such form, as the Attorney General
21 may prescribe.

22 “(f) PURCHASE PERMITS CONFIRMING BACKGROUND
23 CHECKS.—An unlicensed transferor may transfer a fire-
24 arm to an unlicensed transferee if the unlicensed trans-
25 feror verifies that—

1 “(1) the unlicensed transferee has presented to
2 a licensed dealer or a law enforcement official a per-
3 mit or license that allows the unlicensed transferee
4 to possess, acquire, or carry a firearm, and the li-
5 censed dealer or law enforcement official, as the case
6 may be, has verified to the unlicensed transferor
7 that the permit or license is valid;

8 “(2) the permit or license was issued not more
9 than 5 years before the date on which the permit or
10 license is presented under paragraph (1) by a law
11 enforcement agency in the State in which the trans-
12 fer is to take place;

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

20 “(4) if the permit or license does not include a
21 photograph of the unlicensed transferee, the unli-
22 censed transferor has examined a valid identification
23 document (as defined in section 1028(d)) of the unli-
24 censed transferee containing a photograph of the un-
25 licensed transferee.

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

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

8 “(2) the transfer occurs by operation of law, or
9 because of the death of another person for whom the
10 unlicensed transferor is an executor or administrator
11 of an estate or a trustee of a trust created in a will;

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

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

16 “(B) the unlicensed transferee believes
17 that possession of the firearm is necessary to
18 prevent imminent death or great bodily harm to
19 the unlicensed transferee;

20 “(4) the transfer is approved by the Attorney
21 General under section 5812 of the Internal Revenue
22 Code of 1986; or

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

1 “(A) the ratio of the number of law en-
2 forcement officers of the State in which the
3 transfer is to occur to the number of square
4 miles of land area of the State does not exceed
5 0.0025;

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

10 “(C) there is an absence of telecommuni-
11 cations facilities in the geographical area in
12 which the unlicensed transferor is located; or

13 “(6) the transfer is a temporary transfer of
14 possession without transfer of title that takes
15 place—

16 “(A) at a shooting range located in or on
17 premises owned or occupied by a duly incor-
18 porated organization organized for conservation
19 purposes or to foster proficiency in firearms;

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

23 “(C) while hunting, fishing, or trapping,
24 if—

1 “(i) the activity is legal in all places
2 where the unlicensed transferee possesses
3 the firearm; and

4 “(ii) the unlicensed transferee holds
5 any required license or permit.

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

11 “(i) RECORDS.—Nothing in subsection (e)(7) shall be
12 construed to authorize the Attorney General to inspect
13 records described in such subsection or to require that the
14 records be transferred to a facility owned, managed, or
15 controlled by the United States.”.

16 (b) PENALTIES.—Section 924(a)(5) of title 18,
17 United States Code, is amended by inserting “or section
18 932” after “section 922”.

19 (c) CONFORMING AMENDMENT.—The table of sec-
20 tions for chapter 44 of title 18, United States Code, is
21 amended by adding at the end the following:

 “932. Background checks for firearm transfers by unlicensed persons.”.

22 **SEC. 103. EFFECTIVE DATE.**

23 The amendments made by this title shall take effect
24 180 days after the date of enactment of this Act.

1 **TITLE** **II—BACKGROUND**
2 **CHECKS FOR GUN SHOP EM-**
3 **PLOYEES**

4 **SEC. 201. BACKGROUND CHECKS REQUIRED FOR EMPLOY-**
5 **EES AUTHORIZED TO POSSESS OR TRANSFER**
6 **FIREARMS OR AMMUNITION IN THE COURSE**
7 **OF A LICENSED FIREARM BUSINESS.**

8 (a) IN GENERAL.—Section 923 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 “(m)(1)(A) It shall be unlawful for a licensed dealer
12 to authorize an employee hired by the employer on or after
13 the effective date of this subsection to possess or transfer
14 a firearm or ammunition in the course of employment with
15 the licensed dealer, unless the licensed dealer has received
16 from the Attorney General a notice that the Attorney Gen-
17 eral has determined that receipt of a firearm by the em-
18 ployee would not be unlawful.

19 “(B) Beginning 3 months after the effective date of
20 this subsection, it shall be unlawful for a licensed dealer
21 to authorize an employee hired by the employer before the
22 effective date of this subsection, to possess or transfer a
23 firearm or ammunition in the course of employment with
24 the licensed dealer, unless the licensed dealer has received
25 from the Attorney General a notice that the Attorney Gen-

1 eral has determined that receipt of a firearm by the em-
2 ployee would not be unlawful.

3 “(2) The Attorney General may temporarily waive
4 the applicability of paragraph (1) to an employer with re-
5 spect to an employee about whom the employer has sub-
6 mitted to the Attorney General the information described
7 in paragraph (3) if the Attorney General determines that
8 the Attorney General will be unable to make a determina-
9 tion under paragraph (3) with respect to the employee in
10 a timely manner.

11 “(3)(A) If the Attorney General receives from a li-
12 censed dealer the name and other identifying information
13 of an employee who will be authorized by the licensed deal-
14 er to possess or transfer a firearm in the course of employ-
15 ment with the licensed dealer, the Attorney General shall
16 determine whether it would be unlawful for the employee
17 to receive a firearm under Federal law or under the law
18 of any State or locality in which the employee may be so
19 authorized. In making the determination, the Attorney
20 General may take into account a letter or document issued
21 under subparagraph (B).

22 “(B)(i) If the Attorney General determines that such
23 a receipt of a firearm by the employee would not be unlaw-
24 ful, the Attorney General shall notify the licensed dealer
25 in writing or electronically of the determination, and issue

1 to the employee a letter of clearance, which confirms the
2 determination.

3 “(ii) If the Attorney General determines that such a
4 receipt of a firearm by the employee would be unlawful,
5 the Attorney General shall notify the licensed dealer in
6 writing or electronically of the determination, and issue
7 to the employee a document that—

8 “(I) confirms the determination;

9 “(II) explains the grounds for the determina-
10 tion;

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

13 “(IV) explains how the determination may be
14 appealed.”.

15 (b) PENALTIES.—

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

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

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

1 (1) by inserting “or by an employee of the indi-
2 vidual” after “transferee” the 1st place it appears;
3 and

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

7 (d) EFFECTIVE DATE.—The amendment made by
8 this section shall apply to conduct engaged in after the
9 3-month period that begins with the date of the enactment
10 of this Act.

11 **TITLE III—PREVENTION OF TER-**
12 **RORISTS FROM OBTAINING**
13 **FIREARMS OR EXPLOSIVES**

14 **SEC. 301. GRANTING THE ATTORNEY GENERAL THE AU-**
15 **THORITY TO DENY THE SALE, DELIVERY, OR**
16 **TRANSFER OF A FIREARM OR THE ISSUANCE**
17 **OF A FIREARMS OR EXPLOSIVES LICENSE OR**
18 **PERMIT TO DANGEROUS TERRORISTS.**

19 (a) STANDARD FOR EXERCISING ATTORNEY GEN-
20 ERAL DISCRETION REGARDING TRANSFERRING FIRE-
21 ARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS
22 TERRORISTS.—Chapter 44 of title 18, United States
23 Code, is amended—

24 (1) by inserting the following new section after
25 section 922:

1 **“§ 922A. Attorney General’s discretion to deny trans-**
2 **fer of a firearm**

3 “The Attorney General may deny the transfer of a
4 firearm pursuant to section 922(t)(1)(B)(ii) if the Attor-
5 ney General determines that the transferee is known (or
6 appropriately suspected) to be or have been engaged in
7 conduct constituting, in preparation for, in aid of, or re-
8 lated to terrorism, or providing material support thereof,
9 and the Attorney General has a reasonable belief that the
10 prospective transferee may use a firearm in connection
11 with terrorism.”;

12 (2) by inserting the following new section after
13 section 922A:

14 **“§ 922B. Attorney General’s discretion regarding ap-**
15 **plicants for firearm permits which would**
16 **qualify for the exemption provided under**
17 **section 922(t)(3)**

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

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

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

6 “(37) The term ‘material support’ means ‘material
7 support or resources’ within the meaning of section 2339A
8 or 2339B.

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

13 (b) EFFECT OF ATTORNEY GENERAL DISCRE-
14 TIONARY DENIAL THROUGH THE NATIONAL INSTANT
15 CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON
16 FIREARMS PERMITS.—Section 922(t) of such title is
17 amended—

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

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

1 (3) in paragraph (3)(A)(i)—

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

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

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

7 (4) in paragraph (3)(A)—

8 (A) by adding “and” at the end of clause
9 (ii); and

10 (B) by adding after and below the end the
11 following:

12 “(iii) the State issuing the permit
13 agrees to deny the permit application if
14 such other person is the subject of a deter-
15 mination by the Attorney General pursuant
16 to section 922B;”;

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

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

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

4 (1) by striking “or” at the end of paragraph
5 (8);

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

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

10 “(10) has been the subject of a determination
11 by the Attorney General pursuant to section 922A,
12 922B, 923(d)(1)(H), or 923(e) of this title.”.

13 (d) ATTORNEY GENERAL DISCRETIONARY DENIAL
14 AS PROHIBITOR.—Section 922(g) of such title is amend-
15 ed—

16 (1) by striking “or” at the end of paragraph
17 (8);

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

20 (3) by inserting after paragraph (9) the fol-
21 lowing:

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

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

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

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

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

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

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

21 (f) DISCRETIONARY REVOCATION OF FEDERAL FIRE-
22 ARMS LICENSES.—Section 923(e) of such title is amend-
23 ed—

24 (1) in the 1st sentence—

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

3 (B) by striking the period and inserting a
4 semicolon;
5 (2) in the 2nd sentence—

6 (A) by striking “The Attorney General
7 may, after notice and opportunity for hearing,
8 revoke” and insert “(2)”; and

9 (B) by striking the period and inserting “;
10 or”; and

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

12 “(3) any license issued under this section if the
13 Attorney General determines that the holder of the
14 license (including any responsible person) is known
15 (or appropriately suspected) to be or have been en-
16 gaged in conduct constituting, in preparation for, in
17 aid of, or related to terrorism, or providing material
18 support thereof, and the Attorney General has a rea-
19 sonable belief that the applicant may use a firearm
20 in connection with terrorism.”.

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

24 (1) in the 1st sentence of paragraph (1), by in-
25 serting “, except that if the denial or revocation is

1 pursuant to subsection (d)(1)(H) or (e)(3), then any
2 information on which the Attorney General relied for
3 this determination may be withheld from the peti-
4 tioner if the Attorney General determines that dis-
5 closure of the information would likely compromise
6 national security” before the period; and

7 (2) in paragraph (3), by inserting after the 3rd
8 sentence the following: “With respect to any infor-
9 mation withheld from the aggrieved party under
10 paragraph (1), the United States may submit, and
11 the court may rely on, summaries or redacted
12 versions of documents containing information the
13 disclosure of which the Attorney General has deter-
14 mined would likely compromise national security.”.

15 (h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD
16 INFORMATION IN RELIEF FROM DISABILITIES LAW-
17 SUITS.—Section 925(c) of such title is amended by insert-
18 ing after the 3rd sentence the following: “If receipt of a
19 firearms by the person would violate section 922(g)(10),
20 any information which the Attorney General relied on for
21 this determination may be withheld from the applicant if
22 the Attorney General determines that disclosure of the in-
23 formation would likely compromise national security. In
24 responding to the petition, the United States may submit,
25 and the court may rely on, summaries or redacted versions

1 of documents containing information the disclosure of
2 which the Attorney General has determined would likely
3 compromise national security.”.

4 (i) PENALTIES.—Section 924(k) of such title is
5 amended—

6 (1) by striking “or” at the end of paragraph

7 (2);

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

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

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

15 (j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM
16 OR FIREARM PERMIT EXEMPTION.—Section 925A of such
17 title is amended—

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

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

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

4 (3) by adding after and below the end the fol-
5 lowing:

6 “(b) In any case in which the Attorney General has
7 denied the transfer of a firearm to a prospective transferee
8 pursuant to section 922A or has made a determination
9 regarding a firearm permit applicant pursuant to section
10 922B, an action challenging the determination may be
11 brought against the United States. The petition must be
12 filed not later than 60 days after the petitioner has re-
13 ceived actual notice of the Attorney General’s determina-
14 tion made pursuant to section 922A or 922B. The court
15 shall sustain the Attorney General’s determination on a
16 showing by the United States by a preponderance of evi-
17 dence that the Attorney General’s determination satisfied
18 the requirements of section 922A or 922B. To make this
19 showing, the United States may submit, and the court
20 may rely on, summaries or redacted versions of documents
21 containing information the disclosure of which the Attor-
22 ney General has determined would likely compromise na-
23 tional security. On request of the petitioner or the court’s
24 own motion, the court may review the full, undisclosed
25 documents ex parte and in camera. The court shall deter-

1 mine whether the summaries or redacted versions, as the
2 case may be, are fair and accurate representations of the
3 underlying documents. The court shall not consider the
4 full, undisclosed documents in deciding whether the Attor-
5 ney General's determination satisfies the requirements of
6 section 922A or 922B.”.

7 (k) PROVISION OF GROUNDS UNDERLYING INELIGI-
8 BILITY DETERMINATION BY THE NATIONAL INSTANT
9 CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103
10 of the Brady Handgun Violence Prevention Act (Public
11 Law 103–159) is amended—

12 (1) in subsection (f)—

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

18 (B) by inserting after “the system shall
19 provide such reasons to the individual,” the fol-
20 lowing: “except for any information the disclo-
21 sure of which the Attorney General has deter-
22 mined would likely compromise national secu-
23 rity”; and

24 (2) in subsection (g)—

1 (A) in the 1st sentence, by inserting after
2 “subsection (g) or (n) of section 922 of title 18,
3 United States Code or State law” the following:
4 “or if the Attorney General has made a deter-
5 mination pursuant to section 922A or 922B of
6 such title,”;

7 (B) by inserting “, except any information
8 the disclosure of which the Attorney General
9 has determined would likely compromise na-
10 tional security” before the period; and

11 (C) by adding at the end the following:
12 “Any petition for review of information with-
13 held by the Attorney General under this sub-
14 section shall be made in accordance with section
15 925A of title 18, United States Code.”.

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

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

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

22 “(10) has received actual notice of the Attorney
23 General’s determination made pursuant to section
24 843(b)(8) or (d)(2) of this title.”.

1 (m) ATTORNEY GENERAL DISCRETIONARY DENIAL
2 AS PROHIBITOR.—Section 842(i) of such title is amend-
3 ed—

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

5 and

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

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

11 (n) ATTORNEY GENERAL DISCRETIONARY DENIAL
12 OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—
13 Section 843(b) of such title is amended—

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

16 and

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

19 “(8) The Attorney General may deny the
20 issuance of a permit or license to an applicant if the
21 Attorney General determines that the applicant or a
22 responsible person or employee possessor thereof is
23 known (or appropriately suspected) to be or have
24 been engaged in conduct constituting, in preparation
25 of, in aid of, or related to terrorism, or providing

1 material support thereof, and the Attorney General
2 has a reasonable belief that the person may use ex-
3 plosives in connection with terrorism.”.

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

7 (1) by inserting “(1)” in the first sentence after
8 “if”; and

9 (2) by striking the period at the end of the first
10 sentence and inserting the following: “; or (2) the
11 Attorney General determines that the licensee or
12 holder (or any responsible person or employee pos-
13 sessor thereof) is known (or appropriately suspected)
14 to be or have been engaged in conduct constituting,
15 in preparation for, in aid of, or related to terrorism,
16 or providing material support thereof, and that the
17 Attorney General has a reasonable belief that the
18 person may use explosives in connection with ter-
19 rorism.”.

20 (p) ATTORNEY GENERAL’S ABILITY TO WITHHOLD
21 INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DE-
22 NIAL AND REVOCATION SUITS.—Section 843(e) of such
23 title is amended—

24 (1) in the 1st sentence of paragraph (1), by in-
25 serting “except that if the denial or revocation is

1 based on a determination under subsection (b)(8) or
2 (d)(2), then any information which the Attorney
3 General relied on for the determination may be with-
4 held from the petitioner if the Attorney General de-
5 termines that disclosure of the information would
6 likely compromise national security” before the pe-
7 riod; and

8 (2) in paragraph (2), by adding at the end the
9 following: “In responding to any petition for review
10 of a denial or revocation based on a determination
11 under section 843(b)(8) or (d)(2), the United States
12 may submit, and the court may rely on, summaries
13 or redacted versions of documents containing infor-
14 mation the disclosure of which the Attorney General
15 has determined would likely compromise national se-
16 curity.”.

17 (q) ABILITY TO WITHHOLD INFORMATION IN COM-
18 MUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of
19 such title is amended—

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

23 (2) in subparagraph (B)—

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

1 (B) in clause (ii), by inserting “, except
2 that any information that the Attorney General
3 relied on for a determination pursuant to sec-
4 tion 843(b)(8) may be withheld if the Attorney
5 General concludes that disclosure of the infor-
6 mation would likely compromise national secu-
7 rity” before the semicolon.

8 (r) CONFORMING AMENDMENT TO IMMIGRATION AND
9 NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Im-
10 migration and Nationality Act (8 U.S.C.
11 1101(a)(43)(E)(ii)) is amended by striking “ or (5)” and
12 inserting “(5), or (10)”.

13 **TITLE IV—REPORTING OF LOST**
14 **OR STOLEN FIREARMS TO**
15 **STATE OR LOCAL POLICE**

16 **SEC. 401. REQUIREMENT THAT GUN OWNERS REPORT LOST**
17 **OR STOLEN FIREARMS TO STATE OR LOCAL**
18 **POLICE.**

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

21 (1) by inserting “(A)” after “(6)”; and
22 (2) by adding after and below the end the fol-
23 lowing:

24 “(B) Each person who owns or possesses a firearm
25 shall report the theft or loss of the firearm, within 48

1 hours after the theft or loss is discovered, to the appro-
2 priate local authorities.”.

3 **TITLE V—CONCEALED**
4 **FIREARMS PERMITS**

5 **SEC. 501. CONCEALED FIREARMS PERMITS.**

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

9 **“§ 926D. Concealed firearms permits**

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

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

16 “(2) require that each resident of the State
17 seeking to carry a concealed firearm in or affecting
18 interstate or foreign commerce in the State obtain a
19 permit through the process established under para-
20 graph (1).

21 “(b) REQUIREMENTS.—In establishing a process to
22 issue permits to carry concealed firearms under subsection
23 (a), a State shall—

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

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

4 “(A) be a legal resident of the United
5 States;

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

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

9 “(D) demonstrate that the applicant is
10 worthy of the public trust to carry a concealed
11 firearm in public;

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

14 “(F) not have been convicted of a crime of
15 violence.

16 “(c) LAW ENFORCEMENT AGENCY REPORT.—If a
17 State establishes a process under subsection (a) that al-
18 lows for an agency other than a law enforcement agency
19 to issue permits to carry concealed firearms, the process
20 shall require that—

21 “(1) a local law enforcement agency submit to
22 the agency responsible for issuing permits a written
23 report that describes whether the applicant meets
24 the standards of the State to carry a concealed fire-
25 arm; and

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

4 “(d) DEFINITION.—In this section, the term ‘local
5 law enforcement agency’ means a law enforcement agency
6 of the unit of local government with jurisdiction of the
7 area in which the applicant for a permit to carry a con-
8 cealed firearm resides.

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

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of sections for chapter 44 of title 18, United
14 States Code, is amended by inserting after the item relat-
15 ing to section 926C the following:

“926D. Concealed firearms permits.”.