

114TH CONGRESS
1ST SESSION

H. R. 4237

To increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of explosives licenses to known or suspected terrorists, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2015

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

A BILL

To increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of explosives licenses to known or suspected terrorists, and for other purposes.

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 “Protect America Act
5 of 2015”.

1 **SEC. 2. GRANTING THE ATTORNEY GENERAL THE AUTHOR-**
2 **ITY TO DENY THE SALE, DELIVERY, OR**
3 **TRANSFER OF FIREARMS TO KNOWN OR SUS-**
4 **PECTED TERRORISTS; REQUIRING INFORMA-**
5 **TION-SHARING REGARDING ATTEMPTED**
6 **FIREARMS PURCHASES BY KNOWN OR SUS-**
7 **PECTED TERRORISTS; AUTHORIZING THE IN-**
8 **VESTIGATION OF KNOWN OR SUSPECTED**
9 **TERRORISTS WHO ATTEMPT TO PURCHASE**
10 **FIREARMS.**

11 (a) **SHORT TITLE.**—This section may be cited as the
12 “Preventing Terrorists From Obtaining Firearms Act of
13 2015”.

14 (b) **AMENDMENT.**—Section 922(t) of title 18, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 “(7)(A) If the Attorney General is notified of a re-
18 quest to transfer a firearm to a person who is a known
19 or suspected terrorist, the Attorney General shall—

20 “(i) as appropriate, take further steps to con-
21 firm the identity of the prospective transferee and
22 confirm or rule out the suspected nexus to terrorism
23 of the prospective transferee;

24 “(ii) as appropriate, notify relevant Federal,
25 State, or local law enforcement agencies or intel-

1 ligence agencies concerning the identity of the pro-
2 spective transferee; and

3 “(iii) determine whether the prospective trans-
4 feree is already the subject of an ongoing terrorism
5 investigation and, as appropriate, initiate such an
6 investigation.

7 “(B) Upon being notified of a prospective transfer
8 under subparagraph (A), the Attorney General or the
9 United States attorney for the district in which the li-
10 censee is located may—

11 “(i) delay the transfer of the firearm for a pe-
12 riod not to exceed 72 hours; and

13 “(ii) file an emergency petition in a court of
14 competent jurisdiction to prohibit the transfer of the
15 firearm.

16 “(C)(i) An emergency petition filed under subpara-
17 graph (B) shall be granted upon a showing of probable
18 cause to believe that the prospective transferee has com-
19 mitted or is furthering a plan to commit an act of ter-
20 rorism.

21 “(ii) An emergency petition filed under subparagraph
22 (B) to prohibit the transfer of a firearm may be granted
23 only after a hearing—

24 “(I) of which the prospective transferee receives
25 actual notice; and

1 “(II) at which the prospective transferee has an
2 opportunity to participate with counsel.

3 “(D) For purposes of this paragraph—

4 “(i) the term ‘known or suspected terrorist’
5 means a person determined by the Attorney General
6 to be known (or appropriately suspected) to be or
7 have been engaged in conduct constituting, in prepa-
8 ration for, in aid of, or related to terrorism, or pro-
9 viding material support or resources for terrorism;

10 “(ii) the term ‘material support or resources’
11 has the meaning given the term in section 2339A;
12 and

13 “(iii) the term ‘terrorism’ includes international
14 terrorism and domestic terrorism, as defined in sec-
15 tion 2331.”.

1 **SEC. 3. GRANTING THE ATTORNEY GENERAL THE AUTHOR-**
2 **ITY TO DENY THE SALE, DELIVERY, OR**
3 **TRANSFER OF EXPLOSIVES TO KNOWN OR**
4 **SUSPECTED TERRORISTS; REQUIRING INFOR-**
5 **MATION-SHARING REGARDING ATTEMPTED**
6 **EXPLOSIVES PURCHASES BY KNOWN OR SUS-**
7 **PECTED TERRORISTS; AUTHORIZING THE IN-**
8 **VESTIGATION OF KNOWN OR SUSPECTED**
9 **TERRORISTS WHO ATTEMPT TO PURCHASE**
10 **EXPLOSIVES.**

11 (a) **SHORT TITLE.**—This section may be cited as the
12 “Preventing Terrorists From Obtaining Explosives Act of
13 2015”.

14 (b) **AMENDMENT.**—Section 843 of title 18, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 “(j)(1) If the Attorney General receives an applica-
18 tion for a user permit, limited permit, or license to import,
19 manufacture, or deal in explosive materials from a person
20 who is a known or suspected terrorist, or receives informa-
21 tion under subsection (h) about a responsible person or
22 employee who is a known or suspected terrorist, the Attor-
23 ney General shall—

24 “(A) as appropriate, take further steps to con-
25 firm the identity of the applicant, responsible per-
26 son, or employee and confirm or rule out the sus-

1 pected nexus to terrorism of the applicant, respon-
2 sible person, or employee;

3 “(B) as appropriate, notify relevant Federal,
4 State, or local law enforcement agencies or intel-
5 ligence agencies concerning the identity of the appli-
6 cant, responsible person, or employee; and

7 “(C) determine whether the applicant, respon-
8 sible person, or employee is the subject of an ongo-
9 ing terrorism investigation and, as appropriate, ini-
10 tiate such an investigation.

11 “(2) Upon receipt of an application or information
12 described in paragraph (1), the Attorney General or the
13 United States attorney for the district in which the appli-
14 cant, responsible person, or employee is located may—

15 “(A) for a period not to exceed 90 days, delay
16 the approval of the application or the determination
17 to issue a letter of clearance under subsection (h),
18 as the case may be; and

19 “(B) file an emergency petition in a court of
20 competent jurisdiction to prohibit the approval of
21 the application or the issuance of a letter of clear-
22 ance under subsection (h), as the case may be.

23 “(3)(A) An emergency petition filed under paragraph
24 (2) shall be granted upon a showing of probable cause to
25 believe that the applicant, responsible person, or employee

1 has committed or is furthering a plan to commit an act
2 of terrorism.

3 “(B) An emergency petition filed under paragraph
4 (2) may be granted only after a hearing—

5 “(i) of which the applicant, responsible person,
6 or employee receives actual notice; and

7 “(ii) at which the applicant, responsible person,
8 or employee has an opportunity to participate with
9 counsel.

10 “(4) For purposes of this subsection—

11 “(A) the term ‘known or suspected terrorist’
12 means a person determined by the Attorney General
13 to be known (or appropriately suspected) to be or
14 have been engaged in conduct constituting, in prepa-
15 ration for, in aid of, or related to terrorism, or pro-
16 viding material support or resources for terrorism;

17 “(B) the term ‘material support or resources’
18 has the meaning given the term in section 2339A;
19 and

20 “(C) the term ‘terrorism’ includes international
21 terrorism and domestic terrorism, as defined in sec-
22 tion 2331.”.

1 **SEC. 4. SUNSET.**

2 The amendments made by sections 2 and 3 shall
3 cease to have effect after the 3-year period that begins
4 with the date of the enactment of this Act.

5 **SEC. 5. REPORTS TO CONGRESS.**

6 Not earlier than 18 months after the date of the en-
7 actment of this Act and not later than 3 years after such
8 date of enactment, the Attorney General shall submit to
9 the Congress a written report on the petitions filed and
10 court orders granted under sections 2 and 3, including—

11 (1) the number of petitions so filed;

12 (2) the number of orders so granted;

13 (3) the number of petitions that were denied;

14 (4) the disposition of any arrest made after
15 such an order was granted, including any charges
16 brought and the outcome of those charges;

17 (5) with respect to each of the matters de-
18 scribed in paragraphs (1) through (4), whether the
19 subject of the petition or order was a United States
20 citizen or foreign national and whether the allega-
21 tions involved domestic terrorism or international
22 terrorism;

23 (6) for any such order issued against a foreign
24 national, whether a deportation proceeding was initi-
25 ated against the individual and, if so, the outcome
26 of the deportation proceeding; and

1 (7) whether multiple petitions were filed against
2 any individual.

3 **SEC. 6. CORRECTION OF THE TERRORIST WATCH LIST AND**
4 **“NO-FLY LIST”.**

5 Within 90 days after the date of the enactment of
6 this Act, the Attorney General shall—

7 (1) review the terrorist watch list and the no-
8 fly list referred to in section 44903(j) of title 49,
9 United States Code, and any other list used by the
10 Transportation Security Administration for purposes
11 of identifying individuals who are prohibited from
12 boarding aircraft because they pose a threat of ter-
13 rorism, and remove from any such list the name of
14 any person erroneously placed on the list or other-
15 wise is not a known or suspected terrorist; and

16 (2) submit to the Congress a written report
17 that describes the steps taken to comply with para-
18 graph (1).

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