

117TH CONGRESS
1ST SESSION

H. R. 1961

To provide procedures for appealing certain Bureau of Alcohol, Tobacco, Firearms, and Explosives rulings or determinations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2021

Mr. CRENSHAW (for himself and Mr. CUELLAR) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To provide procedures for appealing certain Bureau of Alcohol, Tobacco, Firearms, and Explosives rulings or determinations, 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 “ATF Accountability
5 Act of 2021”.

1 **SEC. 2. PROCEDURES FOR APPEALING CERTAIN BUREAU**
2 **OF ALCOHOL, TOBACCO, FIREARMS, AND EX-**
3 **PLOSIVES RULINGS OR DETERMINATIONS.**

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

7 “(m)(1) If a licensed manufacturer, licensed im-
8 porter, or licensed dealer transmits to the Attorney Gen-
9 eral a written question regarding the legal status or classi-
10 fication of a product, or a recordkeeping practice, under
11 any law administered, in whole or in part, by the Bureau
12 of Alcohol, Tobacco, Firearms and Explosives, the Attor-
13 ney General shall make a ruling or determination in writ-
14 ing on the question, and transmit the ruling or determina-
15 tion to the licensee.

16 “(2)(A) Within 15 calendar days after receipt of a
17 copy of (or a letter issued in furtherance of) the ruling
18 or determination, the licensee may appeal the ruling or
19 determination by filing with any Director of Industry Op-
20 erations having jurisdiction over a premises of the licensee
21 subject to a license issued to the licensee under this chap-
22 ter a request for review of the ruling or determination,
23 which shall include a statement of the reasons for the ap-
24 peal, and the relief requested.

25 “(B) Within 45 calendar days after receipt of the re-
26 quest for the appeal, the Director of Industry Operations

1 shall render a decision on the appeal in writing and trans-
2 mit a copy of the decision to the licensee, unless the li-
3 censee requests a hearing pursuant to paragraph (3).

4 “(3)(A) Within 14 days after receipt from the li-
5 censee of a request for the appeal to be determined on
6 the record after opportunity for a hearing, the Director
7 of Industry Operations shall refer the request to an ad-
8 ministrative law judge who shall—

9 “(i) set a time and place for a hearing on the
10 appeal at a location convenient to the licensee; and

11 “(ii) at least 10 days before the date set for the
12 hearing, serve on the licensee and the Director of In-
13 dustry Operations a notice of the hearing.

14 “(B) The hearing shall be conducted in accordance
15 with the hearing procedures prescribed in subsections (b)
16 through (e) of section 556 and section 557(d) of title 5,
17 United States Code.

18 “(C) Within a reasonable time, and as expeditiously
19 as possible, after the conclusion of the hearing, the admin-
20 istrative law judge shall—

21 “(i) render a decision on the appeal, which shall
22 consist of—

23 “(I) a brief statement of the issues of fact
24 involved in the proceeding;

1 “(II) the findings and conclusions of the
2 administrative law judge, and the reasons or
3 basis therefor with record references, on all ma-
4 terial issues of fact, law, or discretion presented
5 on the record; and

6 “(III) the decision of the administrative
7 law judge to reverse or affirm the ruling or de-
8 termination involved;

9 “(ii) certify to the complete record of the pro-
10 ceeding;

11 “(iii) forward the complete certified record and
12 a copy of the decision to the Director of Industry
13 Operations;

14 “(iv) serve a copy of the decision on the licensee
15 or counsel for the licensee; and

16 “(v) transmit a copy of the decision to the at-
17 torney representing the United States in the pro-
18 ceeding.

19 “(4) The decision of the administrative law judge, the
20 Director of Industry Operations, or other officer or em-
21 ployee of the Bureau of Alcohol, Tobacco, Firearms, and
22 Explosives, as the case may be, pursuant to this subsection
23 shall—

24 “(A) constitute final agency action;

1 “(B) be subject to judicial review under chapter
2 7 of title 5, United States Code; and

3 “(C) be binding on the United States and the
4 licensee.”.

5 (b) APPLICABILITY.—The amendment made by sub-
6 section (a) shall apply with respect to determinations
7 made before, on, or after the date of the enactment of
8 this Act.

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