

114TH CONGRESS
2D SESSION

H. R. 5544

To amend title 18, United States Code, to prohibit the transfer of a firearm to a person whose name is in the Terrorist Screening Database, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2016

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

A BILL

To amend title 18, United States Code, to prohibit the transfer of a firearm to a person whose name is in the Terrorist Screening Database, 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 “Terrorist Screening
5 Database Improvement Act”.

1 **SEC. 2. PROHIBITION ON TRANSFER OF FIREARM TO PER-**
2 **SON WHOSE NAME IS IN THE TERRORIST**
3 **SCREENING DATABASE; PROCEDURAL**
4 **RULES.**

5 (a) PROHIBITION.—The first sentence of section
6 922(d) of title 18, United States Code, is amended—

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

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

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

12 “(10) is an individual whose name appears in
13 the Terrorist Screening Database maintained by the
14 Federal Bureau of Investigation.”.

15 (b) PROCEDURAL RULES.—

16 (1) IN GENERAL.—Chapter 44 of title 18,
17 United States Code, is amended by inserting after
18 section 925A the following:

19 **“§ 925B. Procedures applicable with respect to fire-**
20 **arm transfers to suspected terrorists**

21 “(a) If a licensee contacts the national instant crimi-
22 nal background check system established under section
23 103 of the Brady Handgun Violence Prevention Act to re-
24 quest a unique identification number for the transfer of
25 a firearm to a person under section 922(t) of this title,
26 and—

1 “(1) the information available to the system in-
2 dicates that the transfer of a firearm to the person
3 would violate section 922(d)(10) of this title, the
4 system shall immediately notify the Attorney Gen-
5 eral of the information; or

6 “(2) the person has been or is under a ter-
7 rorism investigation conducted by the Department of
8 Justice or any other department or agency of the
9 Federal Government, the system shall notify the ap-
10 propriate division of the Federal Bureau of Inves-
11 tigation of the request and pending firearm transfer.

12 “(b) Within 10 days after the Attorney General re-
13 ceives a notice pursuant to subsection (a)(1) with respect
14 to a person, the Attorney General shall notify the person
15 that the name of the person appears in the Terrorist
16 Screening Database maintained by the Federal Bureau of
17 Investigation.

18 “(c)(1) Within 30 days after a person receives a no-
19 tice pursuant to subsection (b), the person may bring an
20 action against the United States in the United States dis-
21 trict court for the judicial district in which the person re-
22 sides, to require the United States to demonstrate why
23 the name of the person appears in the Terrorist Screening
24 Database maintained by the Federal Bureau of Investiga-
25 tion.

1 “(2) In an action brought under this subsection:

2 “(A) If the United States fails to demonstrate
3 by a preponderance of the evidence that the plaintiff
4 may intend to cause harm to others or engage in
5 terrorism or activities in support of terrorism, the
6 court shall order the Federal Bureau of Investiga-
7 tion to remove the name of the plaintiff from the
8 Terrorist Screening Database maintained by the
9 Federal Bureau of Investigation, and may provide
10 such other relief to the plaintiff as the court deems
11 appropriate.

12 “(B) The court shall find that the United
13 States has failed to make the demonstration de-
14 scribed in subparagraph (A) with respect to a plain-
15 tiff if the United States has failed to—

16 “(i) comply with subsection (b) with re-
17 spect to the plaintiff; or

18 “(ii) respond in a timely manner in the ac-
19 tion.

20 “(3) The court shall seal all proceedings in an action
21 brought under this subsection.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions for such chapter is amended by inserting after
24 the item relating to section 925A the following:

“925B. Procedures applicable with respect to firearm transfers to suspected terrorists.”.

