

115TH CONGRESS
1ST SESSION

H. R. 3998

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

OCTOBER 10, 2017

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 2017”.

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 2017”.

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 being inves-
19 tigated, or has been investigated during the preceding 5
20 years, as a known or suspected terrorist, the Attorney
21 General shall—

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

1 “(ii) as appropriate, notify relevant Federal,
2 State, or local law enforcement agencies or intel-
3 ligence agencies concerning the identity of the pro-
4 spective transferee; and

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

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

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

15 “(ii) file an emergency petition in the United
16 States district court for the district involved to pro-
17 hibit the transfer of the firearm.

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

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

1 “(I) of which the prospective transferee receives
2 actual notice; and

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

5 “(D) For purposes of this paragraph—

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

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

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

18 “(E) For purposes of this paragraph, a person shall
19 not be considered to have been investigated as a known
20 or suspected terrorist solely by reason of being identified
21 in the terrorist screening database (as such term is de-
22 fined in section 2101(10) of the Homeland Security Act
23 of 2002 (6 U.S.C. 621(10)), if the name of the person
24 was thereafter removed from the database because the
25 person was erroneously included.”.

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 2017”.

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 being investigated, or has been investigated during
21 the preceding 5 years, as a known or suspected terrorist,
22 or receives information under subsection (h) about a re-
23 sponsible person or employee who is being investigated,
24 or has been investigated during the preceding 5 years, as
25 a known or suspected terrorist, the Attorney General
26 shall—

1 “(A) as appropriate, take further steps to con-
2 firm the identity of the applicant, responsible per-
3 son, or employee and confirm or rule out the sus-
4 pected nexus to terrorism of the applicant, respon-
5 sible person, or employee;

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

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

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

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

22 “(B) file an emergency petition in the United
23 States district court for the district involved to pro-
24 hibit the approval of the application or the issuance

1 of a letter of clearance under subsection (h), as the
2 case may be.

3 “(3)(A) An emergency petition filed under paragraph
4 (2) shall be granted upon a showing of probable cause to
5 believe that the applicant, responsible person, or employee
6 has committed or is furthering a plan to commit an act
7 of terrorism.

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

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

12 “(ii) at which the applicant, responsible person,
13 or employee has an opportunity to participate with
14 counsel.

15 “(4) For purposes of this subsection—

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

22 “(B) the term ‘material support or resources’
23 has the meaning given the term in section 2339A;
24 and

1 “(C) the term ‘terrorism’ includes international
2 terrorism and domestic terrorism, as defined in sec-
3 tion 2331.

4 “(5) For purposes of this subsection, a person shall
5 not be considered to have been investigated as a known
6 or suspected terrorist solely by reason of being identified
7 in the terrorist screening database (as such term is de-
8 fined in section 2101(10) of the Homeland Security Act
9 of 2002 (6 U.S.C. 621(10)), if the name of the person
10 was thereafter removed from the database because the
11 person was erroneously included.”.

12 **SEC. 4. SUNSET.**

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

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

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

- 22 (1) the number of petitions so filed;
23 (2) the number of orders so granted;
24 (3) the number of petitions that were denied;

1 (4) the disposition of any arrest made after
2 such an order was granted, including any charges
3 brought and the outcome of those charges;

4 (5) with respect to each of the matters de-
5 scribed in paragraphs (1) through (4), whether the
6 subject of the petition or order was a United States
7 citizen or foreign national and whether the allega-
8 tions involved domestic terrorism or international
9 terrorism;

10 (6) for any such order issued against a foreign
11 national, whether a deportation proceeding was initi-
12 ated against the individual and, if so, the outcome
13 of the deportation proceeding; and

14 (7) whether multiple petitions were filed against
15 any individual.

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

18 Within 90 days after the date of the enactment of
19 this Act, the Attorney General shall—

20 (1) review the terrorist watch list and the no-
21 fly list referred to in section 44903(j) of title 49,
22 United States Code, and any other list used by the
23 Transportation Security Administration for purposes
24 of identifying individuals who are prohibited from
25 boarding aircraft because they pose a threat of ter-

1 rorism, and remove from any such list the name of
2 any person erroneously placed on the list or other-
3 wise is not a known or suspected terrorist; and

4 (2) submit to the Congress a written report
5 that describes the steps taken to comply with para-
6 graph (1).

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