

115TH CONGRESS
1ST SESSION

H. R. 38

AN ACT

To amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Concealed Carry Reci-
3 procity Act of 2017”.

4 **TITLE I—CONCEALED CARRY**
5 **RECIPROCITY ACT OF 2017**

6 **SEC. 101. RECIPROCITY FOR THE CARRYING OF CERTAIN**
7 **CONCEALED FIREARMS.**

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

11 **“§ 926D. Reciprocity for the carrying of certain con-**
12 **cealed firearms**

13 “(a) Notwithstanding any provision of the law of any
14 State or political subdivision thereof (except as provided
15 in subsection (b)) and subject only to the requirements
16 of this section, a person who is not prohibited by Federal
17 law from possessing, transporting, shipping, or receiving
18 a firearm, who is carrying a valid identification document
19 containing a photograph of the person, and who is car-
20 rying a valid license or permit which is issued pursuant
21 to the law of a State and which permits the person to
22 carry a concealed firearm or is entitled to carry a con-
23 cealed firearm in the State in which the person resides,
24 may possess or carry a concealed handgun (other than a
25 machinegun or destructive device) that has been shipped

1 or transported in interstate or foreign commerce, in any
2 State that—

3 “(1) has a statute under which residents of the
4 State may apply for a license or permit to carry a
5 concealed firearm; or

6 “(2) does not prohibit the carrying of concealed
7 firearms by residents of the State for lawful pur-
8 poses.

9 “(b) This section shall not be construed to supersede
10 or limit the laws of any State that—

11 “(1) permit private persons or entities to pro-
12 hibit or restrict the possession of concealed firearms
13 on their property; or

14 “(2) prohibit or restrict the possession of fire-
15 arms on any State or local government property, in-
16 stallation, building, base, or park.

17 “(c)(1) A person who carries or possesses a concealed
18 handgun in accordance with subsections (a) and (b) may
19 not be arrested or otherwise detained for violation of any
20 law or any rule or regulation of a State or any political
21 subdivision thereof related to the possession, transpor-
22 tation, or carrying of firearms unless there is probable
23 cause to believe that the person is doing so in a manner
24 not provided for by this section. Presentation of facially
25 valid documents as specified in subsection (a) is prima

1 facie evidence that the individual has a license or permit
2 as required by this section.

3 “(2) When a person asserts this section as a defense
4 in a criminal proceeding, the prosecution shall bear the
5 burden of proving, beyond a reasonable doubt, that the
6 conduct of the person did not satisfy the conditions set
7 forth in subsections (a) and (b).

8 “(3) When a person successfully asserts this section
9 as a defense in a criminal proceeding, the court shall
10 award the prevailing defendant a reasonable attorney’s
11 fee.

12 “(d)(1) A person who is deprived of any right, privi-
13 lege, or immunity secured by this section, under color of
14 any statute, ordinance, regulation, custom, or usage of any
15 State or any political subdivision thereof, may bring an
16 action in any appropriate court against any other person,
17 including a State or political subdivision thereof, who
18 causes the person to be subject to the deprivation, for
19 damages or other appropriate relief.

20 “(2) The court shall award a plaintiff prevailing in
21 an action brought under paragraph (1) damages and such
22 other relief as the court deems appropriate, including a
23 reasonable attorney’s fee.

24 “(e) In subsection (a):

1 “(1) The term ‘identification document’ means
2 a document made or issued by or under the author-
3 ity of the United States Government, a State, or a
4 political subdivision of a State which, when com-
5 pleted with information concerning a particular indi-
6 vidual, is of a type intended or commonly accepted
7 for the purpose of identification of individuals.

8 “(2) The term ‘handgun’ includes any magazine
9 for use in a handgun and any ammunition loaded
10 into the handgun or its magazine.

11 “(f)(1) A person who possesses or carries a concealed
12 handgun under subsection (a) shall not be subject to the
13 prohibitions of section 922(q) with respect to that hand-
14 gun.

15 “(2) A person possessing or carrying a concealed
16 handgun in a State under subsection (a) may do so in
17 any of the following areas in the State that are open to
18 the public:

19 “(A) A unit of the National Park System.

20 “(B) A unit of the National Wildlife Refuge
21 System.

22 “(C) Public land under the jurisdiction of the
23 Bureau of Land Management.

24 “(D) Land administered and managed by the
25 Army Corps of Engineers.

1 “(E) Land administered and managed by the
2 Bureau of Reclamation.

3 “(F) Land administered and managed by the
4 Forest Service.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for such chapter is amended by inserting after the item
7 relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

8 (c) SEVERABILITY.—Notwithstanding any other pro-
9 vision of this title, if any provision of this section, or any
10 amendment made by this section, or the application of
11 such provision or amendment to any person or cir-
12 cumstance is held to be unconstitutional, this section and
13 amendments made by this section and the application of
14 such provision or amendment to other persons or cir-
15 cumstances shall not be affected thereby.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect 90 days after the date of the
18 enactment of this Act.

19 **SEC. 102. RULE OF CONSTRUCTION.**

20 Nothing in this title prohibits a law enforcement offi-
21 cer with reasonable suspicion of a violation of any law
22 from conducting a brief investigative stop in accordance
23 with the Constitution of the United States.

1 **SEC. 103. CERTAIN OFF-DUTY LAW ENFORCEMENT OFFI-**
2 **CERS AND RETIRED LAW ENFORCEMENT OF-**
3 **FICERS ALLOWED TO CARRY A CONCEALED**
4 **FIREARM, AND DISCHARGE A FIREARM, IN A**
5 **SCHOOL ZONE.**

6 Section 922(q) of title 18, United States Code, is
7 amended—

8 (1) in paragraph (2)(B)—

9 (A) by striking “or” at the end of clause
10 (vi); and

11 (B) by redesignating clause (vii) as clause
12 (ix) and inserting after clause (vi) the following:

13 “(vii) by an off-duty law enforcement officer
14 who is a qualified law enforcement officer (as de-
15 fined in section 926B) and is authorized under such
16 section to carry a concealed firearm, if the firearm
17 is concealed;

18 “(viii) by a qualified retired law enforcement of-
19 ficer (as defined in section 926C) who is authorized
20 under such section to carry a concealed firearm, if
21 the firearm is concealed; or”; and

22 (2) in paragraph (3)(B)—

23 (A) by striking “or” at the end of clause
24 (iii);

25 (B) by striking the period at the end of
26 clause (iv) and inserting a semicolon; and

1 (C) by adding at the end the following:

2 “(v) by an off-duty law enforcement officer who
3 is a qualified law enforcement officer (as defined in
4 section 926B) and is authorized under such section
5 to carry a concealed firearm; or

6 “(vi) by a qualified retired law enforcement offi-
7 cer (as defined in section 926C) who is authorized
8 under such section to carry a concealed firearm.”.

9 **SEC. 104. INTERSTATE CARRYING OF FIREARMS BY FED-
10 ERAL JUDGES.**

11 (a) IN GENERAL.—Chapter 44 of title 18, United
12 States Code, as amended by section 101(a) of this Act,
13 is amended by inserting after section 926D the following:

14 **“§ 926E. Interstate carrying of firearms by Federal
15 judges**

16 “Notwithstanding any provision of the law of any
17 State or political subdivision thereof, a Federal judge may
18 carry a concealed firearm in any State if such judge is
19 not prohibited by Federal law from receiving a firearm.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for such chapter, as amended by section 101(b) of this
22 Act, is amended by inserting after the item relating to sec-
23 tion 926D the following:

“926E. Interstate carrying of firearms by Federal judges.”.

1 **TITLE II—FIX NICS ACT**

2 **SEC. 201. SHORT TITLE.**

3 This title may be cited as the “Fix NICS Act of
4 2017”.

5 **SEC. 202. ACCOUNTABILITY FOR FEDERAL DEPARTMENTS
6 AND AGENCIES.**

7 Section 103 of the Brady Handgun Violence Preven-
8 tion Act (34 U.S.C. 40901) is amended—

9 (1) in subsection (e)(1), by adding at the end
10 the following:

11 “(F) SEMIANNUAL CERTIFICATION AND
12 REPORTING.—

13 “(i) IN GENERAL.—The head of each
14 Federal department or agency shall submit
15 a semiannual written certification to the
16 Attorney General indicating whether the
17 department or agency is in compliance
18 with the record submission requirements
19 under subparagraph (C).

20 “(ii) SUBMISSION DATES.—The head
21 of a Federal department or agency shall
22 submit a certification to the Attorney Gen-
23 eral under clause (i)—

24 “(I) not later than July 31 of
25 each year, which shall address all rel-

1 evant records, including those that
2 have not been transmitted to the At-
3 torney General, in possession of the
4 department or agency during the pe-
5 riod beginning on January 1 of the
6 year and ending on June 30 of the
7 year; and

8 “(II) not later than January 31
9 of each year, which shall address all
10 relevant records, including those that
11 have not been transmitted to the At-
12 torney General, in possession of the
13 department or agency during the pe-
14 riod beginning on July 1 of the pre-
15 vious year and ending on December
16 31 of the previous year.

17 “(iii) CONTENTS.—A certification re-
18 quired under clause (i) shall state, for the
19 applicable period—

20 “(I) the total number of records
21 of the Federal department or agency
22 demonstrating that a person falls
23 within one of the categories described
24 in subsection (g) or (n) of section 922
25 of title 18, United States Code;

1 “(II) for each category of records
2 described in subclause (I), the total
3 number of records of the Federal de-
4 partment or agency that have been
5 provided to the Attorney General; and

6 “(III) the efforts of the Federal
7 department or agency to ensure com-
8 plete and accurate reporting of rel-
9 evant records, including efforts to
10 monitor compliance and correct any
11 reporting failures or inaccuracies.

12 “(G) IMPLEMENTATION PLAN.—

13 “(i) IN GENERAL.—Not later than 1
14 year after the date of enactment of this
15 subparagraph, the head of each Federal
16 department or agency, in coordination with
17 the Attorney General, shall establish a plan
18 to ensure maximum coordination and auto-
19 mated reporting or making available of
20 records to the Attorney General as re-
21 quired under subparagraph (C), and the
22 verification of the accuracy of those
23 records, including the pre-validation of
24 those records, where appropriate, during a
25 4-year period specified in the plan. The

1 head of each Federal department or agency
2 shall update the plan biennially, to the ex-
3 tent necessary, based on the most recent
4 biennial assessment under subparagraph
5 (K). The records shall be limited to those
6 of an individual described in subsection (g)
7 or (n) of section 922 of title 18, United
8 States Code.

9 “(ii) BENCHMARK REQUIREMENTS.—
10 Each plan established under clause (i)
11 shall include annual benchmarks to enable
12 the Attorney General to assess implemen-
13 tation of the plan, including—

14 “(I) qualitative goals and quan-
15 titative measures;

16 “(II) measures to monitor inter-
17 nal compliance, including any report-
18 ing failures and inaccuracies;

19 “(III) a needs assessment, in-
20 cluding estimated compliance costs;
21 and

22 “(IV) an estimated date by which
23 the Federal department or agency will
24 fully comply with record submission
25 requirements under subparagraph (C).

1 “(iii) COMPLIANCE DETERMINA-
2 TION.—Not later than the end of each fis-
3 cal year beginning after the date of the es-
4 tablishment of a plan under clause (i), the
5 Attorney General shall determine whether
6 the applicable Federal department or agen-
7 cy has achieved substantial compliance
8 with the benchmarks included in the plan.

9 “(H) ACCOUNTABILITY.—The Attorney
10 General shall publish, including on the website
11 of the Department of Justice, and submit to the
12 Committee on the Judiciary and the Committee
13 on Appropriations of the Senate and the Com-
14 mittee on the Judiciary and the Committee on
15 Appropriations of the House of Representatives
16 a semiannual report that discloses—

17 “(i) the name of each Federal depart-
18 ment or agency that has failed to submit
19 a required certification under subpara-
20 graph (F);

21 “(ii) the name of each Federal depart-
22 ment or agency that has submitted a re-
23 quired certification under subparagraph
24 (F), but failed to certify compliance with

1 the record submission requirements under
2 subparagraph (C);

3 “(iii) the name of each Federal de-
4 partment or agency that has failed to sub-
5 mit an implementation plan under sub-
6 paragraph (G);

7 “(iv) the name of each Federal de-
8 partment or agency that is not in substan-
9 tial compliance with an implementation
10 plan under subparagraph (G);

11 “(v) a detailed summary of the data,
12 broken down by department or agency,
13 contained in the certifications submitted
14 under subparagraph (F);

15 “(vi) a detailed summary of the con-
16 tents and status, broken down by depart-
17 ment or agency, of the implementation
18 plans established under subparagraph (G);
19 and

20 “(vii) the reasons for which the Attor-
21 ney General has determined that a Federal
22 department or agency is not in substantial
23 compliance with an implementation plan
24 established under subparagraph (G).

1 “(I) NONCOMPLIANCE PENALTIES.—For
2 each of fiscal years 2019 through 2022, each
3 political appointee of a Federal department or
4 agency that has failed to certify compliance
5 with the record submission requirements under
6 subparagraph (C), and is not in substantial
7 compliance with an implementation plan estab-
8 lished under subparagraph (G), shall not be eli-
9 gible for the receipt of bonus pay, excluding
10 overtime pay, until the department or agency—

11 “(i) certifies compliance with the
12 record submission requirements under sub-
13 paragraph (C); or

14 “(ii) achieves substantial compliance
15 with an implementation plan established
16 under subparagraph (G).

17 “(J) TECHNICAL ASSISTANCE.—The Attor-
18 ney General may use funds made available for
19 the national instant criminal background check
20 system established under subsection (b) to pro-
21 vide technical assistance to a Federal depart-
22 ment or agency, at the request of the depart-
23 ment or agency, in order to help the depart-
24 ment or agency comply with the record submis-
25 sion requirements under subparagraph (C).

1 “(K) BIENNIAL ASSESSMENT.—Every 2
2 years, the Attorney General shall assess the ex-
3 tent to which the actions taken under the title
4 II of the Concealed Carry Reciprocity Act of
5 2017 have resulted in improvements in the sys-
6 tem established under this section.

7 “(L) APPLICATION TO FEDERAL
8 COURTS.—For purposes of this paragraph—

9 “(i) the terms ‘department or agency
10 of the United States’ and ‘Federal depart-
11 ment or agency’ include a Federal court;
12 and

13 “(ii) the Director of the Administra-
14 tive Office of the United States Courts
15 shall perform, for a Federal court, the
16 functions assigned to the head of a depart-
17 ment or agency.”; and

18 (2) in subsection (g), by adding at the end the
19 following: “For purposes of the preceding sentence,
20 not later than 60 days after the date on which the
21 Attorney General receives such information, the At-
22 torney General shall determine whether or not the
23 prospective transferee is the subject of an erroneous
24 record and remove any records that are determined
25 to be erroneous. In addition to any funds made

1 available under subsection (k), the Attorney General
2 may use such sums as are necessary and otherwise
3 available for the salaries and expenses of the Federal
4 Bureau of Investigation to comply with this sub-
5 section.”.

6 **SEC. 203. NICS ACT RECORD IMPROVEMENT PROGRAM.**

7 (a) REQUIREMENTS TO OBTAIN WAIVER.—Section
8 102 of the NICS Improvement Amendments Act of
9 2007(34 U.S.C. 40912) is amended—

10 (1) in subsection (a), in the first sentence—

11 (A) by striking “the Crime Identification
12 Technology Act of 1988 (42 U.S.C. 14601)”
13 and inserting “section 102 of the Crime Identi-
14 fication Technology Act of 1998 (34 U.S.C.
15 40301)”;

16 (B) by inserting “is in compliance with an
17 implementation plan established under sub-
18 section (b) or” before “provides at least 90 per-
19 cent of the information described in subsection
20 (c)”;

21 (2) in subsection (b)(1)(B), by inserting “or
22 has established an implementation plan under sec-
23 tion 107” after “the Attorney General”.

1 (b) IMPLEMENTATION ASSISTANCE TO STATES.—
2 Section 103 of the NICS Improvement Amendments Act
3 of 2007 (34 U.S.C. 40913) is amended—

4 (1) in subsection (b)(3), by inserting before the
5 semicolon at the end the following: “, including
6 through increased efforts to pre-validate the contents
7 of those records to expedite eligibility determina-
8 tions”;

9 (2) in subsection (e), by striking paragraph (2)
10 and inserting the following:

11 “(2) DOMESTIC ABUSE AND VIOLENCE PREVEN-
12 TION INITIATIVE.—

13 “(A) ESTABLISHMENT.—For each of fiscal
14 years 2018 through 2022, the Attorney General
15 shall create a priority area under the NICS Act
16 Record Improvement Program (commonly
17 known as ‘NARIP’) for a Domestic Abuse and
18 Violence Prevention Initiative that emphasizes
19 the need for grantees to identify and upload all
20 felony conviction records and domestic violence
21 records.

22 “(B) FUNDING.—The Attorney General—

23 “(i) may use not more than 50 per-
24 cent of the amounts made available under
25 section 207 of the Concealed Carry Reci-

1 procuity Act of 2017 for each of fiscal years
2 2018 through 2022 to carry out the initia-
3 tive described in subparagraph (A); and

4 “(ii) shall give a funding preference
5 under NARIP to States that—

6 “(I) have established an imple-
7 mentation plan under section 107;
8 and

9 “(II) will use amounts made
10 available under this subparagraph to
11 improve efforts to identify and upload
12 all felony conviction records and do-
13 mestic violence records described in
14 clauses (i), (v), and (vi) of section
15 102(b)(1)(C) by not later than Sep-
16 tember 30, 2022.”; and

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

18 “(g) TECHNICAL ASSISTANCE.—The Attorney Gen-
19 eral shall direct the Office of Justice Programs, the Bu-
20 reau of Alcohol, Tobacco, Firearms, and Explosives, and
21 the Federal Bureau of Investigation to—

22 “(1) assist States that are not currently eligible
23 for grants under this section to achieve compliance
24 with all eligibility requirements; and

1 “(2) provide technical assistance and training
2 services to grantees under this section.”.

3 **SEC. 204. NATIONAL CRIMINAL HISTORY IMPROVEMENT**
4 **PROGRAM.**

5 (a) STATE GRANT PROGRAM FOR CRIMINAL JUSTICE
6 IDENTIFICATION, INFORMATION, AND COMMUNICA-
7 TION.—Section 102 of the Crime Identification Tech-
8 nology Act of 1998 (34 U.S.C. 40301) is amended—

9 (1) in subsection (a)(3)—

10 (A) by redesignating subparagraphs (C),
11 (D), and (E) as subparagraphs (D), (E), and
12 (F), respectively; and

13 (B) by inserting after subparagraph (B)
14 the following:

15 “(C) identification of all individuals who
16 have been convicted of a crime punishable by
17 imprisonment for a term exceeding 1 year”;

18 (2) in subsection (b)(6)—

19 (A) by striking “(18 U.S.C. 922 note)”
20 and inserting “(34 U.S.C. 40901(b))”; and

21 (B) by inserting before the semicolon at
22 the end the following: “, including through in-
23 creased efforts to pre-validate the contents of
24 felony conviction records and domestic violence
25 records to expedite eligibility determinations,

1 and measures and resources necessary to estab-
2 lish and achieve compliance with an implemen-
3 tation plan under section 107 of the NICS Im-
4 provement Amendments Act of 2007”; and

5 (3) in subsection (d), by inserting after “un-
6 less” the following: “the State has achieved compli-
7 ance with an implementation plan under section 107
8 of the NICS Improvement Amendments Act of 2007
9 or”.

10 (b) GRANTS FOR THE IMPROVEMENT OF CRIMINAL
11 RECORDS.—Section 106(b)(1) of the Brady Handgun Vio-
12 lence Prevention Act (34 U.S.C. 40302(1)) is amended—

13 (1) in the matter preceding subparagraph (A)—

14 (A) by striking “as of the date of enact-
15 ment of this Act” and inserting “, as of the
16 date of enactment of the Concealed Carry Reci-
17 procity Act of 2017,”; and

18 (B) by striking “files,” and inserting the
19 following: “files and that will utilize funding
20 under this subsection to prioritize the identifica-
21 tion and transmittal of felony conviction records
22 and domestic violence records,”;

23 (2) in subparagraph (B), by striking “and” at
24 the end;

25 (3) in subparagraph (C)—

1 (A) by striking “upon establishment of the
2 national system,”; and

3 (B) by striking the period at the end and
4 inserting “; and”; and

5 (4) by adding at the end the following—

6 “(D) to establish and achieve compliance
7 with an implementation plan under section 107
8 of the NICS Improvement Amendments Act of
9 2007.”.

10 **SEC. 205. IMPROVING INFORMATION SHARING WITH THE**
11 **STATES.**

12 (a) IN GENERAL.—Title I of the NICS Improvement
13 Amendments Act of 2007 (34 U.S. 40911 et seq.) is
14 amended by adding at the end the following:

15 **“SEC. 107. IMPLEMENTATION PLAN.**

16 “(a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of the Concealed Carry Reciprocity Act
18 of 2017, the Attorney General, in coordination with the
19 States and Indian tribal governments, shall establish, for
20 each State or Indian tribal government, a plan to ensure
21 maximum coordination and automation of the reporting
22 or making available of appropriate records to the National
23 Instant Criminal Background Check System established
24 under section 103 of the Brady Handgun Violence Preven-
25 tion Act (34 U.S.C. 40901) and the verification of the ac-

1 curacy of those records during a 4-year period specified
2 in the plan, and shall update the plan biennially, to the
3 extent necessary, based on the most recent biennial assess-
4 ment under subsection (f). The records shall be limited
5 to those of an individual described in subsection (g) or
6 (n) of section 922 of title 18, United States Code.

7 “(b) BENCHMARK REQUIREMENTS.—Each plan es-
8 tablished under this section shall include annual bench-
9 marks to enable the Attorney General to assess the imple-
10 mentation of the plan, including—

11 “(1) qualitative goals and quantitative meas-
12 ures; and

13 “(2) a needs assessment, including estimated
14 compliance costs.

15 “(c) COMPLIANCE DETERMINATION.—Not later than
16 the end of each fiscal year beginning after the date of the
17 establishment of an implementation plan under this sec-
18 tion, the Attorney General shall determine whether each
19 State or Indian tribal government has achieved substantial
20 compliance with the benchmarks included in the plan.

21 “(d) ACCOUNTABILITY.—The Attorney General—

22 “(1) shall disclose and publish, including on the
23 website of the Department of Justice—

24 “(A) the name of each State or Indian
25 tribal government that received a determination

1 of failure to achieve substantial compliance with
2 an implementation plan under subsection (c) for
3 the preceding fiscal year; and

4 “(B) a description of the reasons for which
5 the Attorney General has determined that the
6 State or Indian tribal government is not in sub-
7 stantial compliance with the implementation
8 plan, including, to the greatest extent possible,
9 a description of the types and amounts of
10 records that have not been submitted; and

11 “(2) if a State or Indian tribal government de-
12 scribed in paragraph (1) subsequently receives a de-
13 termination of substantial compliance, shall—

14 “(A) immediately correct the applicable
15 record; and

16 “(B) not later than 3 days after the deter-
17 mination, remove the record from the website of
18 the Department of Justice and any other loca-
19 tion where the record was published.

20 “(e) INCENTIVES.—For each of fiscal years 2018
21 through 2022, the Attorney General shall give affirmative
22 preference to all Bureau of Justice Assistance discre-
23 tionary grant applications of a State or Indian tribal gov-
24 ernment that received a determination of substantial com-

1 pliance under subsection (c) for the fiscal year in which
2 the grant was solicited.

3 “(f) BIENNIAL ASSESSMENT.—Every 2 years, the At-
4 torney General shall assess the extent to which the actions
5 taken under title II of the Concealed Carry Reciprocity
6 Act of 2017 have resulted in improvements in the National
7 Instant Criminal Background Check System established
8 under section 103 of the Brady Handgun Violence Preven-
9 tion Act (34 U.S.C. 40903).

10 **“SEC. 108. NOTIFICATION TO LAW ENFORCEMENT AGEN-**
11 **CIES OF PROHIBITED PURCHASE OF A FIRE-**
12 **ARM.**

13 “(a) IN GENERAL.—In the case of a background
14 check conducted by the National Instant Criminal Back-
15 ground Check System pursuant to the request of a li-
16 censed importer, licensed manufacturer, or licensed dealer
17 of firearms (as such terms are defined in section 921 of
18 title 18, United States Code), which background check de-
19 termines that the receipt of a firearm by a person would
20 violate subsection (g) or (n) of section 922 of title 18,
21 United States Code, and such determination is made after
22 3 business days have elapsed since the licensee contacted
23 the System and a firearm has been transferred to that
24 person, the System shall notify the law enforcement agen-
25 cies described in subsection (b).

1 “(b) LAW ENFORCEMENT AGENCIES DESCRIBED.—
2 The law enforcement agencies described in this subsection
3 are the law enforcement agencies that have jurisdiction
4 over the location from which the licensee contacted the
5 system and the law enforcement agencies that have juris-
6 diction over the location of the residence of the person for
7 which the background check was conducted, as follows:

8 “(1) The field office of the Federal Bureau of
9 Investigation.

10 “(2) The local law enforcement agency.

11 “(3) The State law enforcement agency.”.

12 (b) TABLE OF CONTENTS.—The table of contents in
13 section 1(b) of the NICS Improvement Amendments Act
14 of 2007 (Public Law 110–180; 121 Stat. 2559) is amend-
15 ed by inserting after the item relating to section 106 the
16 following:

“Sec. 107. Implementation plan.

“Sec. 108. Notification to law enforcement agencies of prohibited purchase of
a firearm.”.

17 **SEC. 206. ATTORNEY GENERAL REPORT ON USE OF BUMP**
18 **STOCKS IN CRIME.**

19 (a) IN GENERAL.—Using amounts made available for
20 research, evaluation, or statistical purposes, within 180
21 days after the date of the enactment of this Act, the Attor-
22 ney General shall prepare and submit to the Committee
23 on the Judiciary of the House of Representatives and the

1 Committee on the Judiciary of the Senate a written report
2 that—

3 (1) specifies the number of instances in which
4 a bump stock has been used in the commission of a
5 crime in the United States;

6 (2) specifies the types of firearms with which a
7 bump stock has been so used; and

8 (3) contains the opinion of the Attorney Gen-
9 eral as to whether subparagraphs (B)(i) and (C)(i)
10 of section 924(e)(1) of title 18, United States Code,
11 apply to all instances in which a bump stock has
12 been used in the commission of a crime of violence
13 in the United States.

14 (b) DEFINITION OF BUMP STOCK.—In this section,
15 the term “bump stock” means a device that—

16 (1) attaches to a semiautomatic rifle (as defined
17 in section 921(a)(28) of title 18, United States
18 Code);

19 (2) is designed and intended to repeatedly acti-
20 vate the trigger without the deliberate and volitional
21 act of the user pulling the trigger each time the fire-
22 arm is fired; and

23 (3) functions by continuous forward pressure
24 applied to the rifle’s fore end in conjunction with a
25 linear forward and backward sliding motion of the

1 mechanism utilizing the recoil energy when the rifle
2 is discharged.

3 **SEC. 207. AUTHORIZATIONS OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated \$100,000,000 for each of fiscal years 2018
6 through 2022 to carry out, in accordance with the NICS
7 Act Record Improvement Program and the National
8 Criminal History Improvement Program, the activities
9 under—

10 (1) section 102 of the NICS Improvement
11 Amendments Act of 2007;

12 (2) section 103 of the NICS Improvement
13 Amendments Act of 2007;

14 (3) section 102 of the Crime Identification
15 Technology Act of 1998; and

16 (4) section 106(b) of the Brady Handgun Vio-
17 lence Prevention Act.

18 (b) ADDITIONAL AUTHORIZATIONS.—Section
19 1001(a) of the Omnibus Crime Control and Safe Streets
20 Act of 1968 (34 U.S.C. 10261(a)) is amended—

21 (1) in paragraph (1)—

22 (A) by striking “\$33,000,000” and insert-
23 ing “\$31,000,000”;

24 (B) by striking “1994 and 1995” and in-
25 serting “2018 through 2022”; and

1 (C) by inserting “, in addition to any
2 amounts otherwise made available for research,
3 evaluation or statistical purposes in a fiscal
4 year” before the period; and

5 (2) in paragraph (2)—

6 (A) by striking “\$33,000,000” and insert-
7 ing “\$27,000,000”;

8 (B) by striking “1994 and 1995” and in-
9 serting “2018 through 2022”; and

10 (C) by inserting “, in addition to any
11 amounts otherwise made available for research,
12 evaluation or statistical purposes in a fiscal
13 year” before the period.

Passed the House of Representatives December 6,
2017.

Attest:

Clerk.

115TH CONGRESS
1ST SESSION

H. R. 38

AN ACT

To amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.