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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

Mr. CRENSHAW introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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.